

Millcreek Council
Jeff Silvestrini, Mayor
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Millcreek Offices
3330 South 1300 East
Millcreek, Utah 84106
801-214-2700
www.millcreek.us

File # LUHO -19-016

Land Use Hearing Officer Summary and Recommendation

Request Type: Variance (Reductions in the Requirements to Qualify for a Flag Lot)

Parcel ID: 16-27-205-048

Current Zone: R-1-8

Property Address: 2363 Fisher Lane

Community Council: Canyon Rim

Planner: Blaine Gehring

Applicant Name: Dan Hogge

Staff has brought this application to the land use hearing officer today by request of the property owner, Dan Hogge. He would like to create another flag lot from his property but does not meet several requirements of the adopted flag lot policy regarding the required driveway and its dimensions and setbacks. The variance request does not include a request for a rezone to R-1-6 which must go through the regular rezone process.

Items included in the variance request:

1. Remove landscape buffer requirement
2. Reduction in access width from 20 feet to 16 feet
3. Reduction in travel way width from 18 feet to 12 feet
4. Reduction in side yard setback for base lot
5. Reduction in setbacks for flag lot

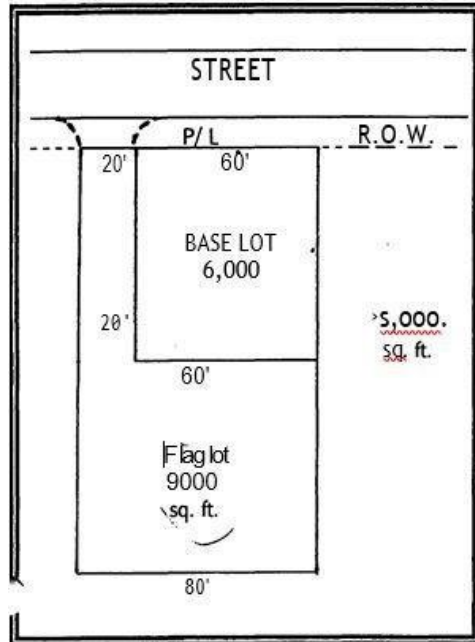
area of 8,000 sq. ft.. There is an additional property behind with a single family home on it which is owned by Mr. Hogge. This property is being accessed by a driveway that lies to the east of Mr. Hogge's house which would access the new proposed flag lot as well. This additional property in the rear appears to have some survey inconsistencies and already acts as an unsubstantiated flag lot.



The access is also in question as to ownership. Mr. Hogge claims ownership, however Salt Lake County records indicate that this may be owned by the city due to the access being part of Fisher Lane.

The map shows a 205-acre tract divided into lots. Lot 75 is highlighted in yellow. The map includes various boundary measurements and a large circular area labeled 'LAKES'. The text 'BRADY ACRES' is prominently displayed across the center. The map is oriented with North at the top.

As per the adopted Flag Lot Policy, a flag lot less than one half acre in size in the R-1-8 Zone must have one and one-half times the area requirements of the base zone or 12,000 square feet. Mr. Hogge's concept does not meet that requirement and is the reason he would like a rezone to R-1-6.



Base Lot Requirements

Minimum Lot Area = 6,000 sq. ft.

Minimum Lot Width = 60 ft.

Minimum Lot Depth = varies (100 ft. w/ 60 ft width)

Flag Lot in R-1-6 Zone

Minimum Lot Area = 1.5 X base = 1.5 X 6,000 sq.ft. = 9,000 sq. ft.

Minimum Access Area Width = 20 ft.

Minimum Lot Width = base + access = 60 ft. + 20 ft. = 80 ft.

Minimum Lot Depth = varies (87.5 ft. w/80 ft. width)

Total land area required for a Flag Lot in R-1-6 Zone

Base Lot = 6,000 sq. ft.

Flag Lot = 9,000 sq. ft.

= 15,000 sq. ft.

minimum land area required

Based on the Flag Lot Policy, a 20-foot wide access would need to be in place as part of the flag lot access to the new flag lot. Mr. Hogge's access is only about 13.5 feet and also serves the dwelling located in the rear. The Flag Lot Policy does state that width of the access can be diminished for access purposes with a favorable review from the City's traffic engineer and Fire Official. Shirl White, the fire marshal, has highly discouraged further homes on this small of an access.

Additional requirements of the Flag Lot Policy require a setback of 8 feet from the access right-of-way, a 4-foot landscape buffer on the property line side, and a 5-foot setback at the street line for proper turning radius. (This requirement is in the highway requirements of the Millcreek Code and cannot be varied with a variance. That requires an exception to be granted by the City Council.)

The following are problems with this proposal:

1. Width of private road/drive does not meet flag lot or private right-of-way standard of 20 feet.
2. Base lot home must meet the setbacks from private lane (8 ft.).
3. Concept plan utilizes property that does not appear to be in applicant's ownership.
4. Drive entrance must be 5 feet from property line.
5. Must show 4 feet landscape buffer along east driveway line.
6. Concept plant is not validated by a survey indicating accurate measurements.
7. Property already serves as an unidentified flag lot with an access road that does not meet today's standards. Adding another dwelling is highly discouraged by unified fire.
8. Plans fail to meet minimum standards and setbacks of adopted flag lot policy and lots and buildings on private rights-of-way.

PLANNING STAFF ANALYSIS

Utah Code states five things that the Land Use Authority must find in order to grant a variance:

UCA 10-9a-702. Variances.

The authority shall have the following powers to authorize on appeal in specific cases a variance from the terms of this title. **The authority may grant a variance only if:**

- 0. Literal enforcement of this title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this title.*

The statute further states that "in determining whether or not enforcement of the land use ordinance would cause unreasonable hardship...the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic." The applicant has provided no evidence of a hardship in his application. Staff asserts that any hardship is self-imposed and economic as the applicant is requesting a new lot be created which does not currently exist. He further claims that an additional home would defray costs to correct utility and sewer problems which is economic. The loss of a new lot's value is economic. Furthermore, every person requesting a variance can claim some kind of economic loss. To allow a variance based on economic loss alone would reduce the effectiveness of any zoning program. The inability to meet the city's code is not a hardship as defined by State law.

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

Again, the statute further states that "in determining whether or not there are special circumstances attached to the property...the appeal authority may find that special circumstances exist only if the special circumstances: (i) relate to the hardship complained of; and (ii) deprive the property of privileges granted to other properties in the same zone." There is no hardship. With regards to special circumstances, it must be shown by the applicant that the property itself contains some special characteristics that other properties do not. The evidence does not support the claim of special circumstance. The property is neither unusual topographically or by shape, nor is there anything extraordinary about the property itself.

The applicant has provided no evidence that he is being deprived of privileges granted other properties in the same zone. Simply having excess land which the applicant wants to subdivide does not constitute special circumstances or denied privileges because he cannot meet city code. Staff asserts that any other similarly sized property in the same zone is subject to the same Flag Lot Policy and the applicant is not being deprived of any privileges afforded to others.

- 2. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;*

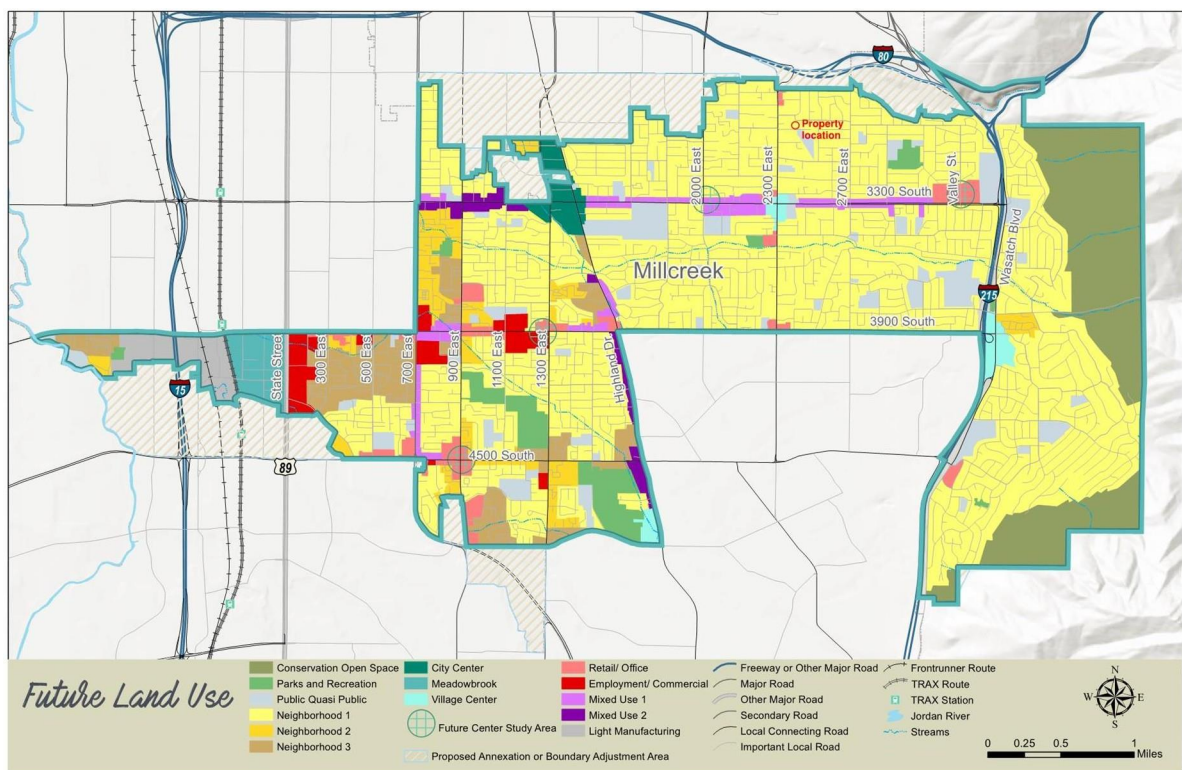
The applicant asserts that other properties in the vicinity have been allowed to develop without the variances he is requesting. Lots created in the past or lots created through a variance do not set precedence. The current city code is what now dictates what needs to happen. Based on that code, the

Flag Lot Policy, the same property right exists for all properties in an R-1-8 Zone as long as that policy is followed.

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

The Millcreek General Plan future land use map has labelled this area as Neighborhood 1 which facilitates and promotes single-family residential housing. Staff argues that creating a new single family lot would meet this requirement.

Future Land Use Map



Updated 12/07/2018

4. *The spirit of this title is observed and substantial justice is done.*

The State law states that "(t)he authority make grant a variance **only if**" all of the requirements listed are met. No evidence has been provided by the applicant to meet the requirements of the statute. Staff asserts that this variance request does not meet the requirements, and therefore the spirit, set forth in State law for the Land Use Hearing Officer to grant the variance.

SUPPORTING DOCUMENTS

1. Application
2. Affidavit
3. Land Use Hearing Officer Supplemental Form
4. Applicant's letter
5. City's Flag Lot Policy
6. Fire Letter

**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: 2363 East Fisher Lane Parcel #: 16-27-205-048-0000Name of Project Hogge Property Property Acreage: .48 Acre

Please describe your request:

To rezone the property from an R1-8 to an R1-6 property to develop a flag lot.

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: Dan Last: Hogge Initial: CAddress: 2363 East Fisher Lane City: Salt Lake State: Utah Zip: 84109Phone: _____ Cell: 801-556-4832 Email: dan.hogge@gmail.com**Property Owner(s):**First: Dan and Sherry Last: Hogge Initial: C & LAddress: 2363 East Fisher Lane City: Salt Lake State: Utah Zip: 84109Phone: _____ Cell: 801-556-4832 Email: dan.hogge@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 _____



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

Land Use Hearing Officer Supplemental Form

File #

WHAT IS YOUR REQUEST?

Variances: [19.92.040]

- ☐ Front Yard Setback from _____ to _____
- ☐ Side Yard Setback from _____ to _____
- ☐ Rear Yard Setback from _____ to _____
- ☐ Lot Area from _____ to _____
- ☐ Lot Width from _____ to _____
- ☐ Lot Coverage from _____ to _____
- ☐ Building Height from _____ to _____
- ☒ Other: Right -of-way width variance of 6.5' for 87' and 5' variance at road entrance.

Special Exceptions: [19.92.060]

- ☐ Addition to or Enlargement of a Non-Complying Building or Structure or a Building or Structure Occupied by a Non-Conforming Use.
- ☐ Reconstruction of a Non-Conforming Building or Structure or a Building or Structure Occupied by a Non-Conforming Use.
- ☐ Relocation of a Non-Conforming Building or Structure or a Building or Structure Occupied by a Non-Conforming Use.
- ☐ Extension of a Use across Zone Boundary
- ☐ Appeal of a Staff Interpretation of the Zoning Ordinance
- ☐ Other: _____

☐ Appeals: [19.92.050]

EXPLAIN THE REASON FOR YOUR REQUEST:

The owners of the property would like to rezone the front property from an R1-8 to an R1-6 to accommodate an additional flag lot.

The right-of-way road servicing an existing rear home does not meet the 20 foot width flag log policy for approximately the first 87 feet of the road. The east side of the road butts up against a wall built on the property line and the west side of the road with a cement stripe that is 8 feet from an existing home per proper setback standards.

If you are requesting a Variance please explain how your request complies with each of the following criteria: (Attach additional sheets if necessary)

VARIANCE CRITERIA		
Criteria Met Yes No		The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met. [19.92.040.C]
1. The Land Use Hearing Officer may grant a variance only if: [19.92.040.B.1]		
☒	☐	a. Would literal enforcement of the zoning ordinance...cause an <i>unreasonable hardship</i> for the applicant that is not necessary to carry out the general purpose of the zoning ordinance? See Criteria for determining unreasonable hardship at the bottom of this form, also refer to 19.92.040.B.2. Please explain your position: The existing road of travel space is 13.5 feet, 1.5 feet more than the required policy width of 12 feet. However, the total required width per policy is 20 feet including 8 feet of landscaping. The hardship is the inability to increase the road width to accommodate the 6.5 feet of landscaping needed to meet code.
☒	☐	b. Are there special circumstances attached to the property that do not generally apply to other properties in the same district? Please explain: The road was established on the property line over 50 years ago that met access requirements for emergency vehicles and the rear home. The front home was built over 30 years ago with the proper 8 foot setback. An additional home would help defray expensive costs to correct utility and sewer problems.
☒	☐	c. Is granting the variance is essential to the enjoyment of a substantial property right possessed by other properties in the same district? Please explain: The variance would allow the property to be rezoned similar to other properties in the area, an additional home built, resolve roadway access and sewer and utility line problems, and enhance the community.
☒	☐	d. Granting this variance will not substantially affect the general plan and will not be contrary to the public interest. Please explain: The variance supports the general plan to develop property that provides additional housing and landscaping on land that is significant in square footage. The home would be welcomed by the community as a distinct improvement to the property.
☒	☐	e. In granting this variance the spirit of the zoning ordinance is observed and substantial justice is done. Please explain: The variance supports the ordinance by creating for the most part a paved 20' road and turnaround to insure the safety of emergency and home owner vehicles. Otherwise, the entire road will remain a 12' unpaved right-of-way.

Criteria for Determining Unreasonable Hardship: 19.92.040.B.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.

Criteria for Determining Special Circumstances: 19.92.04.B.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.

Millcreek City
3285 East 3300 South
Salt Lake City, Utah

July 19, 2019

RE: Property located at 2363 East Fisher Lane

To Whom It May Concern:

We extend our appreciation for the opportunity to have a Land Use Hearing in order to determine if we may rezone our property to an R1-6 and survey the property to include a flag lot. As owners of the respective property we would like to provide you with some things we believe demonstrate our hardship, our situation unique, and how allowing this rezone will make the property safer and better for first responders, for our neighbors, and for Millcreek City.

1. There are currently two homes on the property. The rear home uses a septic tank for sewage treatment. If an additional home is approved, it will become more cost effective to run a sewer line for both homes. Otherwise, the property will remain on a septic tank as long as the home exists.
2. If an additional lot is approved, a road will be built that is, for the most part will be 20' wide with a turnaround. This will provide enough room for more than one fire truck to access either property. Otherwise, the property will remain as is- which does not include a turnaround and will be fenced off along existing property lines leaving a narrow access.

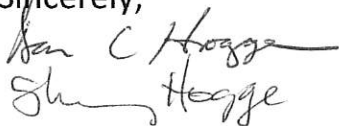
3. The additional home would also provide access to water if needed by city services.
4. Currently, it is difficult to maintain the non-landscaped portion of the property that was previously farmed. A home and landscaping will abate this problem, lessen the fire hazard, and be better for the neighborhood.

We understand that two wrongs don't make a right. However, we have included for your consideration two recent flag lot properties recently built two streets south (2429 and 2409 East Gregson) with the road right on the property line (left side) with only two feet of landscaping on the right side of the road.

A third picture is of the city of rezoning the property (3101 South 2300 East) to an R1-6 status. Please note the road again butts up against the property line with no landscaping. This is a very common treatment of flag lots and access roads with all types of homes built in our area.

Thanks for your consideration of this matter.

Sincerely,

The block contains two handwritten signatures. The first signature is 'Dan C. Hogge' and the second is 'Sherry Hogge'. Both are written in a cursive, handwritten style.

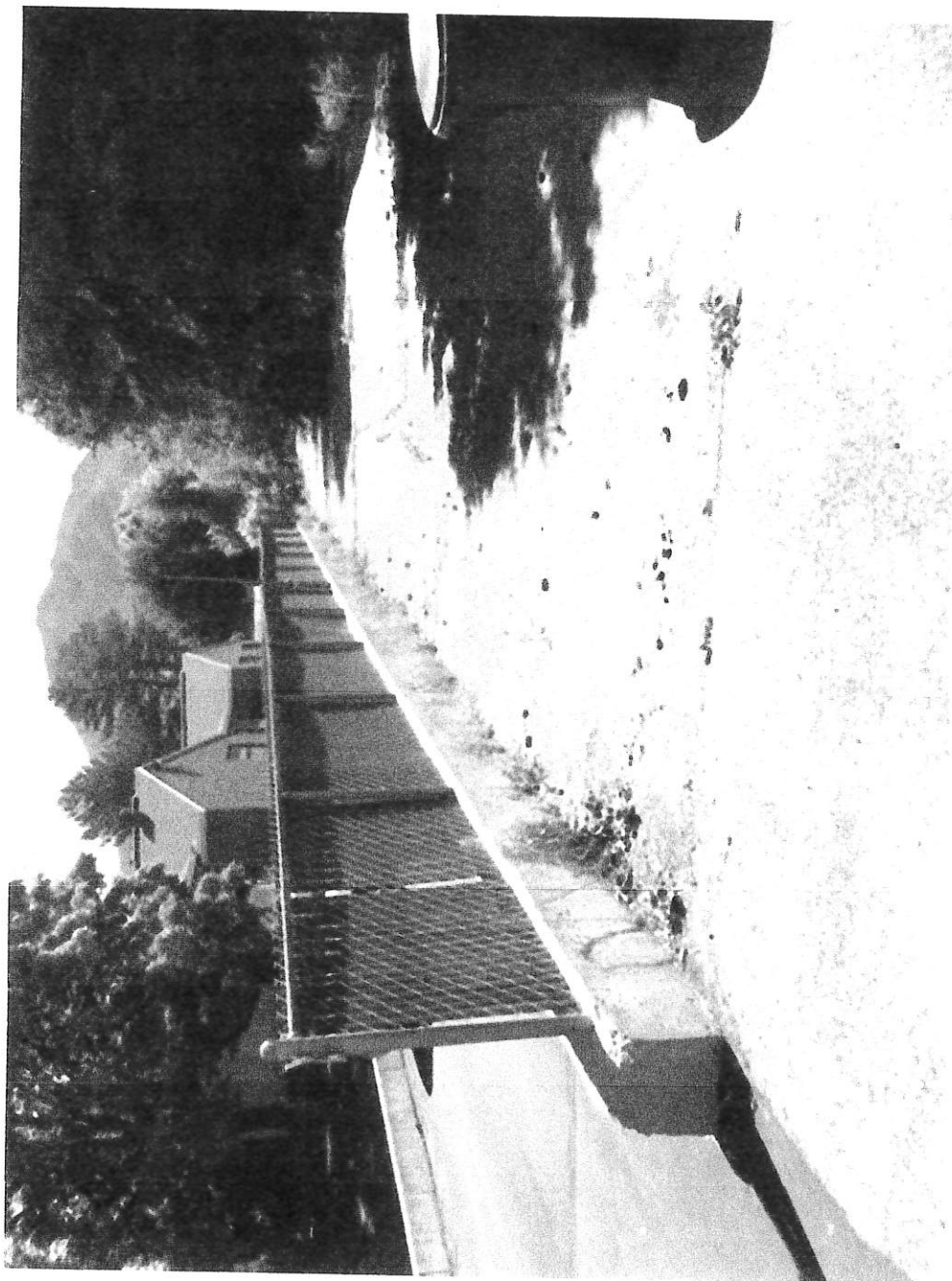
Dan and Sherry Hogge

PROPERTY LOCATED AT 2363 EAST FISHER LANE

- Our request is to rezone the property from an R1-8 to an R1-6
- Comments to questions raised by city regarding the existing property lines and access road:
 - 1) Correct...the existing right of way road for the rear home does not meet the 20' flag lot width requirement. The legal description (see attached county property description) is a 12' wide driveway but the travel road currently is 13.5' wide including a cement strip. We are asking for a variance to be approved for the difference of 6.5' to eliminate the 6.5 landscaping requirement. As is consistent with the majority of flag lots in our surrounding area.
 - 2) In compliance...setback of house is 8' from the cement strip with landscaping.
 - 3) Ownership...property is owned and legal description is provided (see attachment).
 - 4) Correct...drive entrance is not 5' from property line. Once again, this is consistent with the majority of homes in Canyon Rim.
 - 5) Variance is requested to eliminate landscaping requirement (very common in community).
 - 6) East neighbor had his property surveyed recently. He cannot locate the copy but orally confirms our wall is on the property line except for about two inches at the rear of the property. He is willing to testify at our hearing to explain his position.
 - 7) Cover letters explains our observations why an additional lot would make the area safer and less risky for the fire department.
 - 8) Minimum R1-6 is 15,000 square feet. Our front lot is .48 of an acre or 20,908 square feet excluding the road.









Unified Fire Authority
Fire Prevention Division
Building Plan Review



July 31, 2019

Fisher Lane Property
Subdivision Proposal
Fire Dept. Access Issue

Millcreek Planning Staff,

In review of the proposed subdivision project, located at 2363 East Fisher Lane, findings show a deficient access currently exists. The entry way and initial portion passing the 1st home is very narrow. There is a deep lot with a residential structure already placed at the far end off of Fisher Lane. An additional home built between the two existing homes will add some concerns for emergency and firefighting operations. The adopted International Fire Code does allow for alternative means and methods when practical difficulties prevent full compliance of the required codes.

Property owners and developers have typically asked for a code modification, requesting structures to be allowed with the installation of a residential fire sprinklers system as an alternative to access or other problems where the code cannot be fully met. The fire department has been consistent in viewing this practice as an equivalent trade off when these conditions occur.

If the applicant applies for and the City approves this request then the fire department can work with the builder and installers to inspect and test the automatic fire sprinklers system for the new home.

As always, thank you.

Respectfully,

SHIRL WHITE
FIRE INSPECTOR
UNIFIED FIRE AUTHORITY
3380 SOUTH 900 WEST
SALT LAKE CITY, UT 84119
swhite@unifiedfire.org
Office: 801-743-7237
Cell: 801-824-3717



Procedures and Standards For the Establishment and Development Of FLAG LOTS



1. Division of a property with frontage on a street so as to create one or more **flag lots** requires **subdivision approval** in accordance with Title 18 of the Code of County Ordinances for Salt Lake County.
2. Access to a **flag lot or lots** shall be provided in the following manner;
 - a. Ownership of the land area connecting the **flag lot(s)** to the street by the person(s) or entities that own the balance of the land area included in the **flag lot(s)**, or
 - b. Retention of ownership of the land area connecting the **flag lot(s)** to the street by the owner of the **base lot(s)** fronting on the street, but only if conveyance of that land area would render the **base lot(s)** substandard with regards to lot width or lot area requirements applicable to the zone in which the properties are situated. If so retained, access to the **flag lot(s)** shall be provided through conveyance and recordation of a perpetual access easement for each lot, together with cross maintenance and liability agreements addressing the rights and responsibilities of the owners of the **base lot(s)** and the **flag lot(s)**.
3. In order to **subdivide** an existing lot or parcel so as to create two or more separate lots or parcels (the **base lot(s)** adjacent to the street and a **flag lot(s)** to their rear), sufficient land area must be available to maintain;
 - a. For the **base lot(s)**, compliance with the required area and width requirements of the zone in which the properties are situated, and

- b. For **flag lot(s) less than one half acre in size;**
 - 1. One and one half times the area requirements for the zone in which the properties are situated if ownership of the land providing access to the **flag lot(s)** is retained by or conveyed to the owner of those lots, or
 - 2. One and one half times the area requirements for the zone in which the properties are situated minus the land area included in the access easement across the **base lot(s)**.
- c. For **flag lot(s) one half acre in size or larger;**
 - 1. Compliance with the required area and width requirements of the zone in which the properties are situated, exclusive of the land area encumbered for access purposes to the **flag lot(s)**, whether by ownership or perpetual easement.
- 4. In addition to maintaining compliance with the area and width requirements of the zone in which the **base lot(s)** are located, normally-applicable yard or setback requirements for the **base lot(s)** must be maintained, particularly if said lots are already developed or improved. Where access to a **flag lot** is provided via recordation of a perpetual easement across the **base lot**, the yard or setback for the base lot shall be measured from the **interior edge of the easement** closest to any existing or proposed improvements on the **base lot**.
- 5. Access to a **flag lot(s)**, whether by ownership of the land area across which such access is provided or through recordation of a perpetual access easement across the **base lot(s)**, must be of uniform width from the **flag lot** to the intersection with the street right-of-way or easement upon which the **base lot** fronts in accordance with the following;
 - c. On properties where the length of the access connection from the **flag lot(s)** to the street right-of-way or easement is less than one hundred and fifty feet, the width of that connection must be no less than **twenty feet** unless a lesser width is authorized for access purposes by the County's traffic engineer and fire official.

- d. On properties where the length of the access connection from the **flag lot** to the street right-of-way or easement is more than one hundred and fifty feet, the width of that connection must be no less than **twenty-five feet** unless a lesser width is authorized for access purposes by the County's traffic engineer and fire official.
6. **Improvements to the travel way** within the access connection from the **flag lot(s)** to the street right-of-way or easement shall be in accordance with the following standards:
- f. On properties where the length of the access connection is less than one hundred and fifty feet, the **improved surface** of the travel way must be;
 - 1. At least **twelve feet** in width its entire length unless a lesser width is authorized for access purposes by the County's traffic engineer and fire official; and
 - 2. No closer than;
 - a. **Five feet** to a neighboring property line at the intersection with the street right of way or easement line so as to provide adequate area for satisfaction of county driveway radius requirements, and
 - b. **Four feet** to a neighboring property line for the remaining length of the improved travel way from the street right-of-way or easement line to the **flag lot(s)**.
 - 3. Incompliance with county standards at its intersection with the street right-of-way or easement.
 - b. On properties where the length of the access connection is more than one hundred and fifty feet, the **improved surface** of the travel way must be;
 - 1. At least **eighteen feet** in width its entire length so as to allow the passage of vehicles in opposite directions unless a lesser width is authorized for access purposes by the County's traffic engineer and fire official; and

2. Provided with a "vehicle turnaround" on the **flag lot(s)** to the satisfaction of County Fire officials; and
3. No closer than;
 - a. **Five feet** to a neighboring property line at the intersection with the street right of way or easement line so as to provide adequate area for satisfaction of county driveway radius requirements, and
 - b. **Four feet** to a neighboring property line for the entire length of the improved travel way on private property; and
4. In compliance with county standards at its intersection with the street right-of-way or easement; and
7. The land area that is not encumbered by required travel way surface improvements within the access connection from the **flag lot(s)** to the street right-of-way or easement shall be planted in its entirety and maintained as landscaped buffers on each side of the travel way in accordance with plans reviewed and approved as part of the flag lot approval process.
8. Site plan review for the development of a single family residence on a **flag lot** shall be on a permitted use basis and subject to the same ordinance requirements and development standards as those applicable to other single family residential properties in the same zone except with regards to yard or "setback" requirements which, for a **main dwelling**, shall be as follows;
 - a. For properties in the R-1-6, R-1-7, R-1-8, and R-1-10 zones, a uniform yard or "setback" requirement of **twenty feet** shall be maintained from all property lines of the "flag" portion of the lot.
 - b. For properties in the R-1-15 and R-1-21 Zones, a uniform yard or "setback" requirement of **twenty-five feet** shall be maintained from all property lines of the "flag" portion of the lot.

- c. For properties in the R-1-43 Zone, a uniform yard or "setback" requirement of **thirty feet** shall be maintained from all property lines of the "flag" portion of the lot.
9. The yard or "setback" requirements for a detached accessory structure on a **flag lot** shall be as follows:
- a. For properties in the R-1-6, R-1-7, R-1-8, R-1-10, and R-1-15 Zones, a detached accessory structure **must** be to the rear of and at least 6 feet from the main dwelling on the **flag lot**, and must maintain the following separation from adjacent property lines;
 - 1. Ten feet if adjacent to the side yard of a dwelling on an adjacent lot;
 - 2. One foot if not adjacent to the side yard of a dwelling on an adjacent lot, so long as the height of the accessory structure does not exceed fourteen feet. Accessory structures taller than fourteen feet (a maximum height of twenty feet is permitted) must maintain one additional foot of yard or "setback" separation for each additional foot of detached accessory structure height.
 - 3. Twenty feet adjacent to any street.
 - b. For properties in the R-1-21 and R-1-43 Zones, a detached accessory structure must maintain the following separation from adjacent property lines;
 - 1. Twenty-five feet if located to the side or front of the main dwelling on the flag lot.
 - 2. Twenty feet adjacent to any street;
 - 3. Ten feet if located to the rear of and at least six feet from the main dwelling on the flag lot but adjacent to the side yard of a dwelling on an adjacent lot;
 - 4. One foot if not adjacent to the side yard of a dwelling on an adjacent lot, so long as the height of the accessory structure does

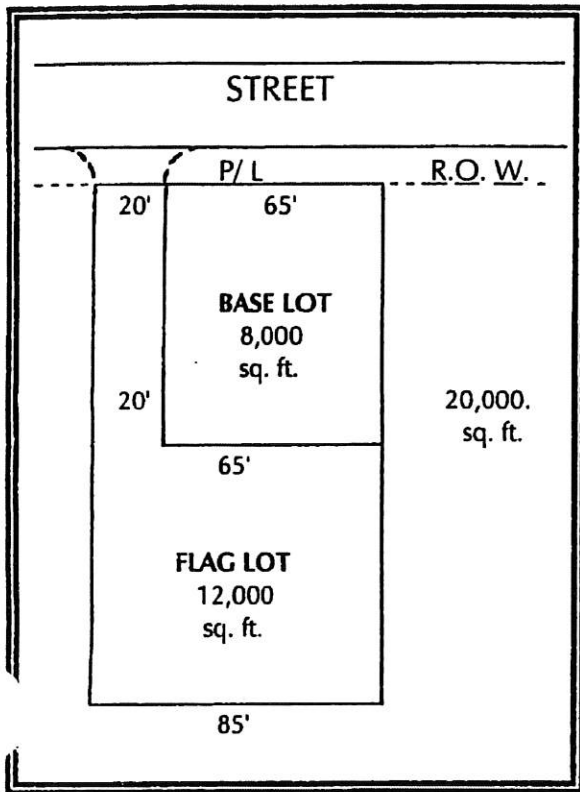
not exceed fourteen feet. Accessory structures taller than fourteen feet (a maximum height of twenty feet is permitted) must maintain one additional foot of yard or "setback" separation for each additional foot of detached accessory structure height.

10. Lots of record that were created in accordance with the procedures for the establishment of "Deep Lots" as set forth in the Salt Lake County Planning Commission's 1965 policy by that name shall continue to be subject to the site development and improvement standards associated with that policy.

FILE

FLAG LOT in the R-1-8 Zone

7 . 1



Base Lot Requirements

Minimum Lot Area = 8,000 sq. ft.

Minimum Lot Width = 65 ft.

Minimum Lot Depth = varies (123 ft. w/ 65 ft width)

Flag Lot in R-1-8 Zone

Minimum Lot Area = 1.5 X base = 1.5 X 8,000 sq.ft. = 12,000 sq. ft.

Minimum Access Area Width = 20 ft.

Minimum Lot Width = base + access = 65 ft. + 20 ft. = 85 ft.

Minimum Lot Depth = varies (112 ft. w/85 ft. width)

Total land area required for a Flag Lot in R-1-8 Zone

Base Lot = 8,000 sq. ft.

Flag Lot = 12,000 sq. ft.

= 20,000 sq. ft.

minimum land area required

Yard Requirements

Main Dwelling

(w/garage)

Base Lot

Front = 25 ft.

Side = 8 ft.

Rear = 15 ft.

Flag Lot

20 ft. from property lines

of "flag" portion of lot

Detached Accessory Structures

Must be to the rear of and at least 6 ft. from main dwelling = 1 ft., unless adjacent to the side yard of a dwelling on an adjacent lot, in which case = 10 ft. from that property line.

Adjacent to any street
= 20 ft.

