



Board of Adjustment Variance Staff Report Hearing Date: Nov. 19, 2020

ITEM 2 Gary King requests a Variance to the required front setback to add a carport to an existing home, located at 1806 W 170 S in the R1.8 zone. Provo Bay neighborhood. Robert Mills (801) 852-6407 rmills@provo.org PLVAR20200335

Applicant: Gary King Staff Coordinator: Robert Mills Property Owner: Gary and Colleen King Parcel ID#: 45:013:0008 Acreage: 0.19 acres Number of Properties: 1 Number of Lots: 1 <u>ALTERNATIVE ACTIONS</u> 1. Approve the requested appeal. <i>This action <u>would not be consistent with the recommendations of the Staff Report.</u> The Board of Adjustment should <u>state new findings.</u></i> 2. Continue to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is December 17, 5:00 P.M.</i>	Current Legal Use: Single-family detached dwelling Relevant History: The existing dwelling on the property was constructed in approximately Summer of 1970. Neighborhood Issues: No neighborhood concerns have been raised. Summary of Key Issues: The applicant would like to construct a carport attached to the existing garage. The carport will encroach into the required front yard setback approximately 13.5 feet for 18 feet. Staff Recommendation: Staff recommends the Board of Adjustment deny the requested variance.
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OVERVIEW

The applicant intends to construct a carport on the front of the existing dwelling, in front of the existing garage. The dimensions of the proposed carport are 18 feet wide by 25 feet long.

Currently, the garage of the existing dwelling is setback approximately 31.5 feet from the back of the sidewalk. Placing the proposed carport structure so that it abuts the garage would then leave approximately 6.5 feet of driveway area behind the sidewalk. Section 14.10.080(1)(b) of the Provo City Code requires a minimum of 20 feet between the garage and the back of the sidewalk. The applicant requests a variance to the front yard setback

requirements of the R1 zone from 20 feet to 6.5 feet for a distance of 18 feet to allow for an attached carport to the front of the garage of the existing dwelling.

RELEVANT HISTORY

A building permit for the existing dwelling was approved in April 1970. A building permit for a remodel was approved in March 1978. The existing dwelling complies with the yard requirements of the R1.8 Zone.

FINDINGS OF FACT

- The existing dwelling was constructed legally and complies with all current yard requirements.
- The distance between the garage door of the existing dwelling and the back of the sidewalk is approximately 31.5 feet.
- The Provo City Code currently requires a minimum of 20 feet of driveway between the back of the sidewalk and the garage.

ANALYSIS

1. Section 14.05.030(9), Variances, paragraph (b) of the Provo Municipal Code states that the Board of Adjustment may grant variances if the following criteria are met:

- (i) 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;

Literal enforcement of the front yard setback requirement will not cause unreasonable hardship for the applicant. The existing dwelling includes an enclosed two-car garage. The subject property has additional area where a carport could be constructed and still be compliant with all the provisions of the zone.

- (ii) There are special circumstances attached to the property that do not generally apply to other properties in the same district;

The property is typical in size and shape to other properties in the area and does not include any special circumstances that would warrant a need for such a substantial and visible variance from the zoning requirements.

- (iii) Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;

Granting the variance is not essential to the enjoyment of a substantial property right possessed by surrounding property owners. The existing dwelling has an enclosed two-car garage, plus a long driveway that can easily accommodate two additional vehicles. Furthermore, the rear yard of the property is reasonably accessible and provides plenty of space for the requested carport structure.

- (iv) The variance will not substantially affect the general plan and will not be contrary to the public interest; and

This variance would not substantially affect the general plan; however, it could be considered contrary to the public interest because of the uncharacteristic visual impact of the encroachment of the carport structure into the required front yard. There are other similar carport structures in the surrounding neighborhood; however, they do not encroach into the required front yard area of the properties where they are constructed.

- (v) The spirit of this Title is observed and substantial justice done.

Approving the requested variance is not required to observe the spirit of this Title. Additionally, denying the variance is not unjust because the applicant has other options on his property that would allow the construction of the requested carport that will comply with the requirements of the zone.

CONCLUSIONS

This variance request does not meet the criteria established by Section 14.05.030(9) needed in order to justify granting a variance. There are no irregularities in lot size, lot shape, or topography that prevent the applicant from the full use of the property and to erect the proposed carport in a location on the property that complies with the requirements of the zone. Additionally, approving the variance would allow a carport to encroach into the required front yard and would make the carport the primary focal point of the dwelling. This would set a significantly negative precedent in the neighborhood that contrary to the public interest.

For the reasons noted above, Staff recommends the Board of Adjustment deny the subject variance request because it is not necessary.

JUDICIAL APPEAL OF BOARD OF ADJUSTMENT ACTION

Chapter 14.05 provides a process for appeal of a determination by the Board of Adjustment (quoted in part):

04.05.050. Judicial Appeal.

- (i) Any person aggrieved by or affected by any decision of the Board of Adjustment may have and maintain a plenary action for relief from the District Court of competent jurisdiction, provided petition for such relief is presented to the court within thirty (30) days after the filing of such decision in the office of the Board of Adjustment or with the City Recorder.

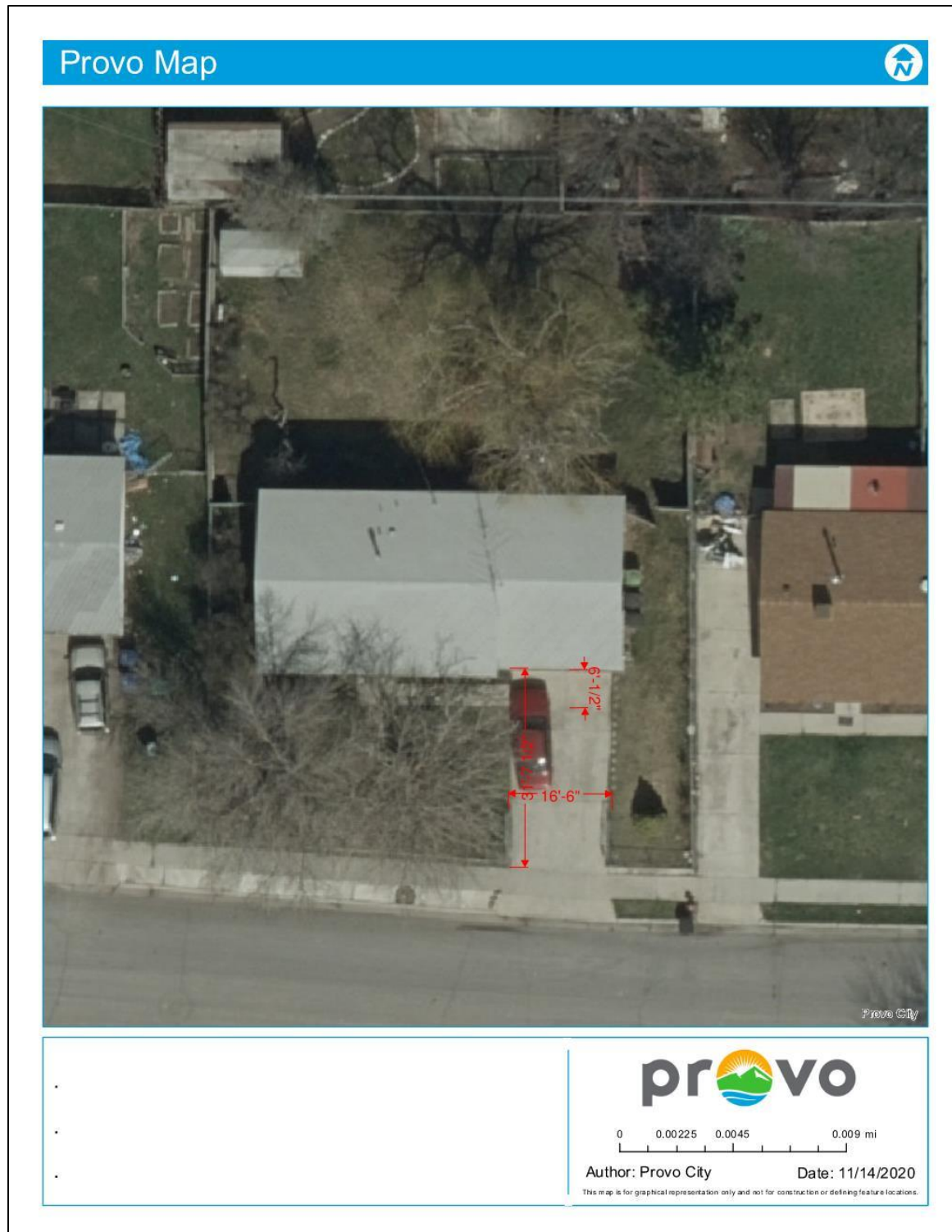
ATTACHMENTS

- 1. Location Map**
- 2. Existing Site Plan**
- 3. Proposed Site Plan**
- 4. Documentation Submitted by Applicant**

Attachment 1: Location Map



Attachment 2: Existing Site Plan



Parcel 45:013:0009
COLETTI, AMOS G and JENNIFER L...
1826 W 170 SOUTH - PROVO
Value: \$265,800 -- 0.2 acres
Entry# 126377-2005

Parcel 45:013:0007
BRIMHALL, KEVIN V and KIMBERLY L...
1784 W 170 SOUTH - PROVO
Value: \$282,600 -- 0.19 acres
Entry# 43939-2020

Parcel 45:013:0500
STREET ON BOOK 45 PAGE 13...
Value: \$0 -- 0 acres
Entry#

Handwritten Notes:

- "House" and "Garage" labels on the left parcel.
- "Build it your self or contractor NOT CONNECTED TO Garage" written near the driveway.
- "Two Car Drive way" written near the dashed driveway line.
- "Side of Lines is carport" written vertically along the right boundary of the left parcel.
- "To prevent vehicle blocking the side walk, you will need to provide a minimum of 20' from the front of structure to the sidewalk." written in red on the right parcel.
- "4' Sidewalk", "2' // 1' Parkway", and "Street" written at the bottom of the parcels.
- "Needs 20'" written near the driveway intersection.

Dimensions and Bearings:

- Top boundaries: N89-00-00W - 80.36 ft, S89-00-00E - 69.00 ft, N89-00-00W - 78.00 ft, S89-00-00E - 69.00 ft, N89-00-00W - 76.50 ft.
- Left boundary: S00-00-00E - 102.59 ft.
- Right boundary: S00-00-00E - 106.00 ft.
- Bottom boundaries: S85-44-00E - 80.51 ft, S85-44-00E - 59.92 ft, S89-00-00E - 18.24 ft, S89-00-00E - 76.50 ft.
- Internal dimensions: 10' High, 10' x 18', 16' x 5', 8' x 8'.

Attachment 4: Documentation Submitted by the Applicant

9 28 2020

I Plan To Build a carport (I am not a Architect
I called versatube
versatube said the carport
is made of Galvanised steel Frame
Sheet metal Roof
not Flammable

I plan to put it near the
Garage but not connected
to the Garage being uniform with
The Garage

P.S. I went to the Provo city center
I asked for copies to show
for the year 2020 The weather
This is why the carport.

There are Three carports in the
Area of witch I Live

Locations Street 180 S. 1860 W.

House #'s 1799 and 830

Street 168 W. 170 S. House # 145 (I knew this person

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NEWSLETTERS

The Salt Lake Tribune

Severe weather hits Salt Lake Valley, producing strong winds and hail



(Courtesy of Nicolas Brown) Nicolas Brown of West Jordan shared this photo of hail to Twitter on Sunday, June 7, 2020, as a storm moved through the Salt Lake Valley.



By Josh Newman • Published: June 7
Updated: June 07, 2020

Severe thunderstorms, complete with winds in excess up to 60 mph and reports of golf ball-sized hail in some places, rolled through the Salt Lake Valley on Sunday morning.

The National Weather Service in Salt Lake City sent out a significant weather advisory at 8:28 a.m. Sunday for Box Elder and Cache counties, altering them to a storm with strong winds and hail up to a half-inch in diameter.

The storms moved northeast throughout the morning, affecting parts of Weber County, Paradise, Avon and Willard, before moving toward Salt Lake City, and southern Morgan and west-central Summit counties.

In Salt Lake County, rain is expected on and off throughout Sunday, with pockets of heavier precipitation expected about 2 p.m., then again about 5 p.m. The wet weather is predicted to stretch through the overnight hours and into Monday, when there will still be a 50% chance of rain.

According to two-day rain totals released by the NWS, Salt Lake City had received 0.65 inches of rain as of 7 a.m. Sunday.



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2020 was Salt Lake City's warmest August in 146 years of data collecting

By Carter Williams, KSL.com | Posted - Sep. 1, 2020 at 12:08 p.m.

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SALT LAKE CITY — A last-day cooldown couldn't stop 2020 from becoming the warmest August on record in Salt Lake City.

August 2020's average temperature was 83.1 degrees — about 0.4 degrees ahead of the previous record set in 2013, according to National Weather Service's

preliminary climate data and climate books. The average maximum temperature was 96.5 degrees, which also broke the previous record of 95.7 degrees set in 1967. Classified 70°

The average minimum temperature was 69.6 degrees, which falls second behind the record of 70.8 degrees set in 2013.

It's not too surprising that the record was broken, given that two heat waves during the month caused daily records to fall not just in Utah's capital city but across the Beehive State. New record-high temperatures were recorded at the National Weather Service's Salt Lake City International Airport Aug. 1-2 and Aug. 17-19. Temperatures reached over 100 degrees on all five of those days.

The August 2020 weather records continue what has been another wacky year in Salt Lake City and Utah weather. Other oddities include the city experiencing the third-driest spring on record following an average to slightly-above-average snowpack total statewide during the winter. In addition, June (1.9 inches) remains the clubhouse leader for the highest precipitation total for any month this year in Salt Lake City, despite it being historically its third-driest month of the year.

On top of all of that, the warmest August on record for Salt Lake City ended with below-average temperatures. The average temperature for August is 77 degrees, according to the weather service climate book. The average temperatures Sunday and Monday were 76 and 66 degrees, respectively. While the highest temperature recorded in the month was 105 degrees at the beginning of the month, the lowest was 53 degrees at the end of the month.

Monday also closed the books on meteorological summer. The National Weather Service tweeted that the average temperature for the summer (June, July and August) was 78.2 degrees, which was ninth-warmest on record.

The summer's average maximum temperature was 13th warmest on record, at 91.4 degrees, and the average minimum temperature was 64.9 degrees — good for 11th warmest on record. Thanks to the June's abnormally high precipitation