

**Item:**

5

Applicant:

Brady & Kristina Curtis

Location:

415 S 1200 W

Prepared By:

Sean Conroy, Community
Development Director

Public Hearing:

No

Zone:

RA-1, TDR-R

Attachments:

1. Application
information.

REQUEST

Consideration of a request for a Variance to decrease the Side Corner Yard setback requirement from 30 feet to 20 feet for a lot located at 415 South 1200 West.

BACKGROUND & DESCRIPTION

The subject property is lot 13 of the recently recorded Larsen Lane subdivision and is .7 acres in size in the RA-1, TDR-R zone. Lots in the RA-1, TDR-R zone require a minimum width of 100 feet. The subject lot is approximately 102 feet in width with 271 feet of frontage on 400 South and 102 feet of frontage on 1200 W. Prior to the subdivision, the subject lot was part of an 8.8 acre parcel, 8.1 acres of which was located north of the 400 South right-of-way. With the completion of 400 South, the subject lot was left in its current configuration.

The required setbacks for this lot are 30 feet from both street frontages, 25 feet from the rear and 10 feet from the interior side. If the home faces 1200 West the applicants would have approximately sixty two feet of width within the setbacks.

The applicants are looking to purchase the subject lot, but are having a difficult time finding a home plan that will fit within the setbacks. The applicants are requesting a variance to reduce the required setback on 400 North from 30 feet to 20 feet (see attachment "1").

EVALUATION

The review of variance requests are subject to Utah Code Section 10-9a-702 and Mapleton City Code (MCC) 18.84.360. Staff has included the standards from MCC 18.84.360 below followed by a brief staff response.

The Planning Commission may only grant a variance to waive or modify the requirements of a land use ordinance as applied to a parcel of property if:

- 1. Literal enforcement of the ordinance would cause an unreasonable hardship, as defined in Utah Code section 10-9a-702, for the applicant that is not necessary to carry out the general purpose of the land use ordinances;*

Response: For this application, the primary questions is whether the setback requirements, particularly the 30 foot setback requirements from both 1200 West and 400 South, create an unreasonable hardship. State code indicates that a hardship must come from unique circumstances peculiar to the property. In this case, the Commission should determine if having a corner lot that is approximately 102 feet wide makes this lot unique or peculiar to other subdivision lots in the RA-1 zone.

While the minimum width requirement is 100 feet, the subdivision ordinance does encourage wider corner lots than the minimum to avoid concerns similar to those being raised by the applicant. Staff examined all the corner lots in the RA-1 zone between Maple Street - 800 South and Main Street - Highway 89. The average lot width for corner lots within this area is 148 feet, with the narrowest lot being 107 feet wide.

The subject lot is the most narrow lot in the area and staff notes that the developer had little control over the size and configuration of the lot due to the construction of 400 South. For these reasons, the Commission could determine that the lot is unique or peculiar, however, since the lot still meets the minimum width requirement for the zone, it is difficult to argue that there is an unreasonable hardship.

2. There are special circumstances, as defined in Utah Code section 10-9a-702, attached to the property that do not generally apply to other properties in the same zone;

Response: See response to #1 above.

3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;

Response: The property right in question is the ability to build a home on the lot. While it may be more challenging to design a home on this lot than on other similarly sized lots in the RA-1 zone, the applicant has not demonstrated that a variance is *essential* to the property right. Staff is confident that a competent architect or draftsman could design a satisfactory home on the site within the parameters of the setback requirements for the zone.

4. The variance will not substantially affect the General Plan and will not be contrary to the public interest; and

Response: Staff has not identified any reason why the proposed variance would substantially affect the General Plan or be contrary to the public interest.

5. The spirit of the land use ordinance is observed and substantial justice done.

Response: One of the purposes of the setback requirements of the land use ordinance is to provide predictability and consistency with new construction. Staff is concerned that granting a variance on a lot that meets the dimensional standards of the zoning ordinance would be inconsistent with the spirit of the land use ordinance.

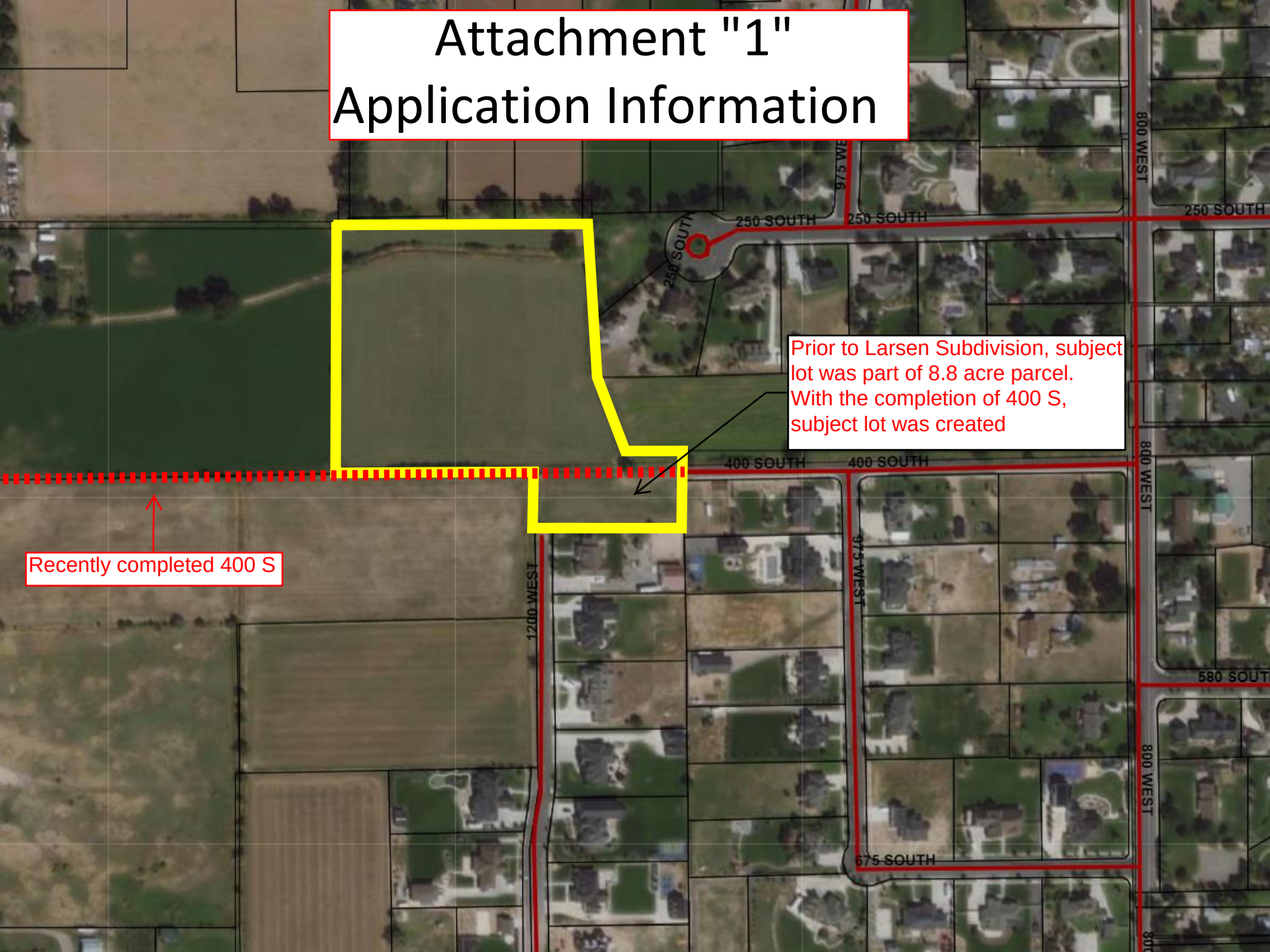
Staff is sympathetic to the applicant wanting some additional flexibility to design a new home on this lot and recognize that the lot is more narrow than any other corner lot in the area. However, staff does not believe that the narrowness of the lot qualifies as an unreasonable hardship given that it meets all the dimensional standards, including width, of the RA-1 zone.

RECOMMENDATION

Deny the variance request.

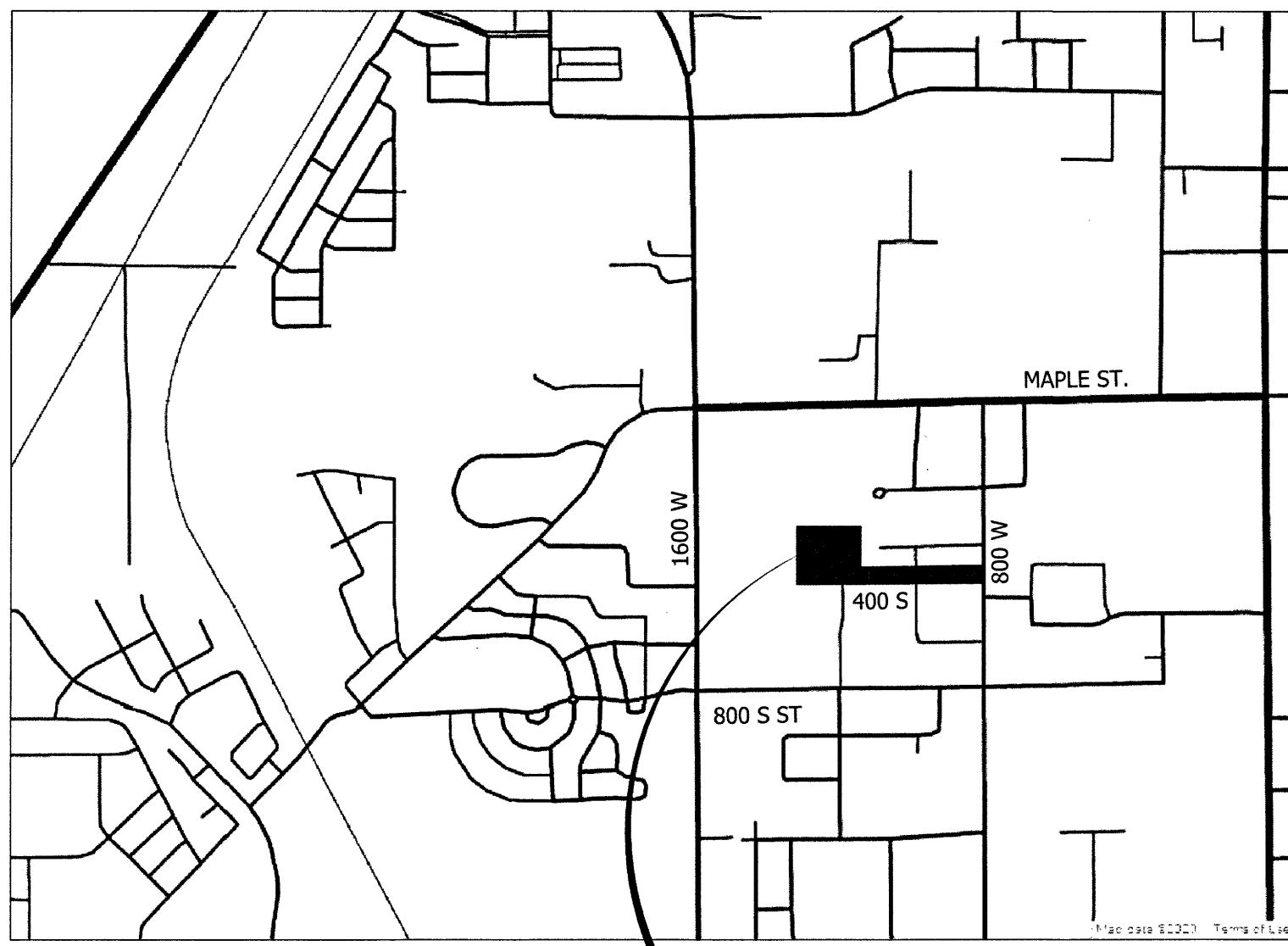
Attachment "1"

Application Information



Prior to Larsen Subdivision, subject lot was part of 8.8 acre parcel. With the completion of 400 S, subject lot was created

Recently completed 400 S



LARSEN SUBDIVISION PLAT "A"

A RESIDENTIAL SUBDIVISION LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, MAPLETON CITY, UTAH COUNTY, UTAH

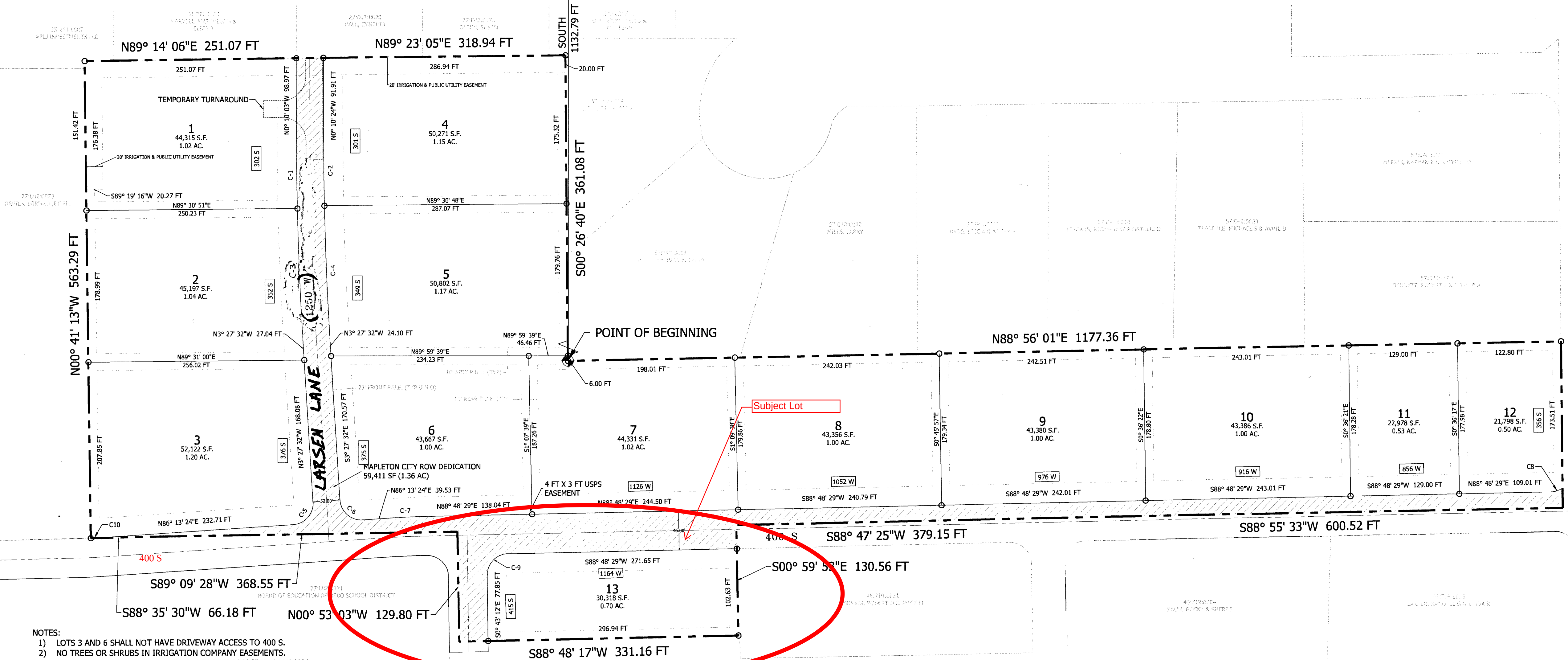


LOCATION OF PROJECT

NORTHWEST CORNER, SECTION 15, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN

BASIS OF BEARING
S. 88°59'01" W 2652.25 FT

NORTH QUARTER CORNER, SECTION 15, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN

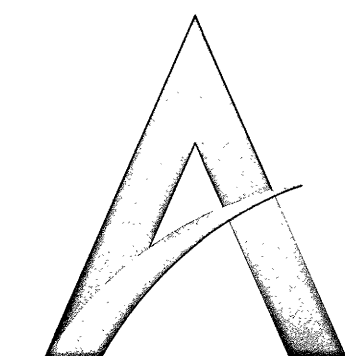


- NOTES:
- 1) LOTS 3 AND 6 SHALL NOT HAVE DRIVEWAY ACCESS TO 400 S.
 - 2) NO TREES OR SHRUBS IN IRRIGATION COMPANY EASEMENTS.
 - 3) NO TELEPHONE BOXES OR POWER BOXES IN IRRIGATION COMPANY EASEMENTS.
 - 4) FENCES DISTURBED DURING CONSTRUCTION ACTIVITIES MUST BE REPLACED AND RETURNED TO PRE CONSTRUCTION CONDITION, OR BETTER.
 - 5) IRRIGATION BOXES MAY NOT BE FENCED IN YARDS. DIRECT ACCESS (NOT THROUGH FENCES MUST BE PROVIDED TO MAPLETON IRRIGATION DISTRICT & COMPANY FROM CITY STREET.
 - 6) #5 REBAR AND CAP TO BE SET AT ALL LOT CORNERS, PLUGS TO BE SET IN TOP OF CURB @ PROJECTION OF SIDE LOT LINES

Curve Table					
Curve #	Length	Radius	Delta	Chord	Chord Bearing
C1	78.64	4016.00	1.12	78.64	N00° 43' 42"W
C2	82.77	3984.00	1.19	82.77	N00° 39' 22"W
C3	152.09	4016.00	2.17	152.08	N02° 22' 27"W
C4	153.42	3984.00	2.21	153.42	N02° 21' 21"W
C5	39.13	25.00	89.68	35.26	N41° 22' 56"E
C6	39.41	25.00	90.32	35.45	S48° 37' 04"E
C7	23.59	523.00	2.58	23.59	N87° 30' 56"E
C8	14.42	25.43	32.49	14.23	N71° 33' 35"E
C9	39.06	25.00	89.53	35.21	S44° 02' 38"W
C10	8.16	350.00	1.34	8.16	N86° 53' 28"E

LEGEND

- SET SURVEY MONUMENT (SEE NOTE 6)
- BOUNDARY LINE
- LOT LINE
- EASEMENT LINE
- CENTER LINE



NORTH



Scale: 1" = 70'

ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF UTAH

ON THIS 12 DAY OF March, A.D. 2021, TRENT T. GILES, SUCCESSOR TRUSTEE OF THE M. GAYE CHRISTENSEN FAMILY TRUST, DATED THE 21ST OF JULY, 1989 AS TO A 1/2 INTEREST, PERSONALLY APPEARED BEFORE ME, THE SIGNER OF THE FOREGOING OWNERS DEDICATION WHO DULY ACKNOWLEDGED TO ME THAT THEY DID EXECUTE THE SAME.

MY COMMISSION NUMBER: 698267 Miranda Moritzky
SIGNED (NOTARY PUBLIC COMMISSIONED IN UTAH)

MY COMMISSION EXPIRES: Dec 28 2021 Miranda Moritzky
PRINTED FULL NAME OF NOTARY

ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF UTAH

ON THIS 5th DAY OF MARCH, A.D. 2021, TANGIE SCHATZ, SUCCESSOR TRUSTEE OF THE M. GAYE CHRISTENSEN FAMILY TRUST, DATED THE 21ST OF JULY, 1989 AS TO A 1/2 INTEREST, PERSONALLY APPEARED BEFORE ME, THE SIGNER OF THE FOREGOING OWNERS DEDICATION WHO DULY ACKNOWLEDGED TO ME THAT THEY DID EXECUTE THE SAME.

MY COMMISSION NUMBER: 2256211 Mohid Nasir
SIGNED (NOTARY PUBLIC COMMISSIONED IN CALIFORNIA)

MY COMMISSION EXPIRES: 8/27/2022 Mohid Nasir
PRINTED FULL NAME OF NOTARY

SURVEYOR'S CERTIFICATE

I, SPENCER J. MCCUTCHEON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 10719099 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT AND THAT A SURVEY OF THE DESCRIBED TRACT OF LAND HAS BEEN COMPLETED BY ME IN ACCORDANCE WITH SECTION 17-23-17 AND THAT I HAVE VERIFIED ALL MEASUREMENTS, HAVE PLACED MONUMENTS AS SHOWN HEREON.

ENT 43663:2021 Map 17629
ANDREA ALLEN
UTAH COUNTY RECORDER
2021 Apr 05 11:34 AM FEE 76.00 BY LT
RECORDED FOR MAPLETON CITY CORPORATION

BOUNDARY DESCRIPTION

A PARCEL OF LAND LYING FULLY WITHIN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, MAPLETON CITY, UTAH COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A THE SOUTHWEST CORNER OF UNION BENCH PLAT "A" SUBDIVISION AS RECORDED IN THE UTAH COUNTY RECORDERS OFFICE MAP NO. 8543-98, SAID CORNER LIES 1185.73 FEET S. 88°59'01" W. ALONG THE SECTION LINE AND 1132.79 FEET SOUTH FROM THE NORTH QUARTER CORNER OF SECTION 15, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN; RUNNING THENCE N. 88°59'01" E. 1177.36 FEET ALONG SAID SUBDIVISION AND AN OLD ESTABLISHED FENCE LINE TO THE SOUTHEAST CORNER OF SAID UNION BENCH SUBDIVISION AND THE WESTERLY RIGHT-OF-WAY LINE OF 800 WEST STREET; THENCE S. 00°31'19" E. 198.81 FEET ALONG THE SAID WESTERLY RIGHT-OF-WAY LINE TO THE NORTH LINE OF MAPLETON HIGHLANDS SUBDIVISION AS RECORDED IN THE UTAH COUNTY RECORDERS OFFICE MAP NO. 12394; THENCE ALONG SAID MAPLETON HIGHLANDS SUBDIVISION THE FOLLOWING (3) THREE COURSES (1) S. 88°55'33" W. 600.52 FEET, (2) S. 88°47'25" W. 379.15 FEET, (3) S. 00°59'53" E. 130.58 FEET TO THE NORTHEAST CORNER OF MISTY MEADOWS SUBDIVISION AS RECORDED IN THE UTAH COUNTY RECORDERS OFFICE MAP NO. 11387; THENCE ALONG NORTH LINE OF SAID MISTY MEADOWS SUBDIVISION AND A FENCE LINE S. 88°48'17" W. 331.16 FEET TO THE EASTERLY BOUNDARY LINE OF THE MAPLE GROVE MIDDLE SCHOOL SUBDIVISION; THENCE ALONG SAID MAPLE GROVE MIDDLE SCHOOL SUBDIVISION THE FOLLOWING (3) THREE COURSES (1) N. 00°53'03" W. 129.80 FEET, (2) S. 88°08'28" W. 368.55 FEET, (3) S. 88°35'30" W. 66.18 FEET; THENCE N. 00°41'13" W. 563.29 FEET ALONG AN OLD ESTABLISHED FENCE LINE TO THE EXTENSION OF THE SOUTH LINE OF HASLEM SUBDIVISION AS RECORDED IN THE UTAH COUNTY RECORDERS OFFICE MAP NO. 13928 AND A FOUND REBAR AND CAP; THENCE N. 89°14'06" E. 251.07 FEET ALONG SAID HASLEM SUBDIVISION TO A FOUND REBAR AND CAP; THENCE N. 89°23'05" E. 318.84 FEET ALONG AN OLD ESTABLISHED FENCE LINE TO A FOUND REBAR AND CAP MARKING THE NORTHEAST CORNER OF SAID UNION BENCH SUBDIVISION; THENCE S. 00°28'49" E. 361.08 FEET ALONG SAID SUBDIVISION AND AN OLD ESTABLISHED FENCE LINE TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 591,109 SQUARE FEET IN AREA OR 13.662 ACRES MORE OR LESS.

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT I, WE, THE UNDERSIGNED OWNER(S) OF THE HEREON DESCRIBED TRACT OF LAND, HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS AND STREETS AS LARSEN SUBDIVISION PLAT "A", AND DO HEREBY DEDICATE, GRANT AND CONVEY TO MAPLETON CITY, UTAH: (1) ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER; (2) THOSE CERTAIN PUBLIC UTILITY AND DRAINAGE EASEMENTS AS SHOWN HEREON, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE, AND OPERATION OF PUBLIC UTILITY SERVICE LINES AND DRAINAGE; AND (3) THOSE PARCELS DESIGNATED AS PUBLIC OPEN SPACE, PARKS, TRAIL OR EASEMENTS, OR OF SIMILAR DESIGNATION, IN WITNESS WHEREOF, WE HAVE HERETO SET OUR HANDS THIS 12 DAY OF MARCH, A.D. 2021.

Larale L. Hopla TRUSTEE
Trent T. Giles SUCCESSOR TRUSTEE
Tangie Schatz SUCCESSOR TRUSTEE
DATE 3/12/2021
DATE 3/12/2021
DATE 3/5/21

ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF UTAH

ON THIS 12 DAY OF March, A.D. 2021, LARALE L. HOPLA, TRUSTEE OF THE LARALE L. HOPLA 2012 TRUST, DATED THE 5/23/2012 AS TO A 1/2 INTEREST, PERSONALLY APPEARED BEFORE ME, THE SIGNER OF THE FOREGOING OWNER DEDICATION WHO DULY ACKNOWLEDGED TO ME THAT THEY DID EXECUTE THE SAME.

MY COMMISSION NUMBER: 698267 Miranda Moritzky
SIGNED (NOTARY PUBLIC COMMISSIONED IN UTAH)

MY COMMISSION EXPIRES: Dec 28 2021 Miranda Moritzky
PRINTED FULL NAME OF NOTARY

PLANNING COMMISSION APPROVAL

APPROVED THIS 17 DAY OF March, A.D. 2021, BY THE PLANNING COMMISSION OF HEBER CITY.

[Signature] CHAIRMAN, PLANNING COMMISSION
[Signature] COMMUNITY DEVELOPMENT DIRECTOR

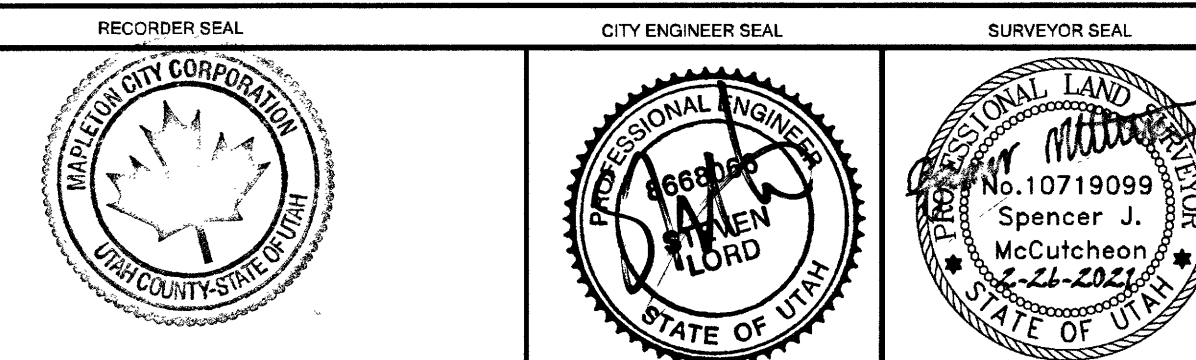
ACCEPTANCE BY LEGISLATIVE BODY

THE CITY COUNCIL OF MAPLETON CITY, COUNTY OF UTAH APPROVES THIS SUBDIVISION AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS, AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC THIS 17 DAY OF March, A.D. 2021.

APPROVED: [Signature] MAYOR'S SIGNATURE DATE 3/17/21
[Signature] CITY ENGINEER'S SIGNATURE DATE 3-17-2021
ATTEST: [Signature] CITY RECORDER'S SIGNATURE (SEE SEAL BELOW) DATE 3/17/21

LARSEN SUBDIVISION PLAT "A"

A RESIDENTIAL SUBDIVISION LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, MAPLETON CITY, UTAH COUNTY, UTAH



MAPLETON IRRIGATION APPROVAL

APPROVED THIS 15th DAY OF Mar, 2021
[Signature] MAPLETON IRRIGATION REPRESENTATIVE
DATE

Lot 13 is a very narrow .7-acre lot on the corner of 1200 W and 400 S. The current zoning requires a setback of 30 feet on each side to allow for safety at corners. Because there is not a parking strip on 400 S, the 30-foot setback makes the lot even more narrow, therefore it will be difficult to place a home with a three-car garage, as required by the CC&Rs, with comparable square footage and aesthetics for the neighborhood.

We are asking for a variance on the 400 S side of the property: a setback of 20 feet instead of 30 feet. If a parking strip were on the 400 S side of the street, as it is across the street on the north, and across the street to the west of the property, the setback would be approximately the same setback as the variance we are requesting, because we could start measuring the setback from the back of the gutter including the park strip and sidewalk.

The 1200 W side of the property has a parking strip, so the setback is not an issue. The setback on that side could even be increased, if needed to maintain safety corner concerns. We thank you in advance for your time and consideration of this matter. We are willing to work closely with the city to ensure safety, while building a home that will enhance the existing neighborhood.

