



Board of Adjustment Variance Staff Report Hearing Date: August 19, 2021

ITEM 1 Ben May requests variances for a pole barn to exceed the building height by 4 feet 11 inches, to locate the barn in the front yard of the home, and to use gray corrugated metal as the cladding material, located at 1792 Geneva Rd in the R1.20 zone. Lakeview North neighborhood. Hannah Salzl (801) 852-6423
hsalzl@provo.org PLVAR20210198

Applicant: Ben May Staff Coordinator: Hannah Salzl Property Owners: May, Benjamin and Erin Parcel ID#: 190460010 Acreage: 2.13 acres Number of Properties: 1 Number of Lots: 1 <u>ALTERNATIVE ACTIONS</u> 1. Deny the requested appeal. <i>This action would not be consistent with the recommendations of the Staff Report. 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 September 16, 5:00 P.M.</i>	Current Legal Use: Single family residence Relevant History: Neighborhood Issues: The neighboring properties to the north and southwest also have barns that are taller than the homes on the properties. The applicant owns and farms the property to the south. Summary of Key Issues: The R1 zone requires that accessory buildings (1) not be taller than the main dwelling, (2) not be closer to the front property line than the main dwelling, and (3) be made out of similar materials and colors with the main building. The applicant is requesting a variance so that his barn may be (1) taller than the home on the property, (2) in the front yard of the home, and (3) clad with gray corrugated metal that matches other barns in the area. Staff Recommendation: Staff recommends the Board of Adjustment approve the requested variance.
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OVERVIEW

The applicant requests a variance to the R1 zone requirements that an accessory dwelling not be taller than the main dwelling, not be closer to the front property line than the main dwelling, and be made out of architecturally similar materials and colors to the main building. The variance would permit the applicant to construct a pole barn to store the equipment, trailers, and tools for his family farm, which is also located on the property.

RELEVANT HISTORY

The applicant's family has farmed the parcel and the parcel to the south since 1879, and the farm currently produces alfalfa, fruit, and vegetables. The applicant uses farming equipment like vehicles, trailers, and tools that currently sit in the sun, damaging the equipment and creating an eyesore. In order to accommodate the equipment, the applicant proposes building a pole barn that would be 20 feet and 3 inches (20' 3") tall, in the front yard of the property, and clad in gray corrugated metal. Each of these three points violate current R1 zoning requirements but make sense for the property.

First, the applicant's home on the property is 15 feet and 4 inches (15' 4") tall. The proposed barn would be 4 feet and 11 inches (4' 11") feet taller than the home, calculating from the midpoint of the roofs per city code. However, Provo City Code 14.10.080(5)(a) does not permit accessory buildings that are taller than the main dwelling. However, the proposed barn would likely not stand out in the area as the applicant's neighbors to the north and southwest also have barns taller than the homes on their properties.

Second, Provo City Code 14.10.080(6) requires that accessory buildings be no closer to the front property line than the main building. Were the applicant to place the barn behind the main dwelling, he would need to clear 8,000 square feet of land currently used for farming and install a 385-foot-long gravel driveway. Were he to instead build the barn in front of his home, he could clear only minimal farmland and use his existing driveway. If constructed, the proposed barn would still be approximately 250 feet from the Geneva Road and would not obstruct the view of the home from the road.

Finally, Provo City Code 14.10.080(5)(e) requires that accessory structures maintain architecturally similar material and colors to the main building. The home is made of brick and board and batten siding, and the other barns in the area are clad in gray corrugated metal. Cladding his barn in corrugated metal would cost the applicant an additional \$10,000 (upgraded from the standard metal siding), but he has expressed a desire for his barn to blend in with the existing structures on the street. The applicant has also proposed additional architectural features such as awnings and light fixtures to make the building more visually appealing and match the character of the neighborhood.

The applicant requests a variance to permit him to build the barn in a way that would protect the equipment needed for his farm, minimize the amount of farmland cleared, and blend in with the other barns in the area.

FINDINGS OF FACT

- The equipment necessary to maintain the farm is being damaged by the sun and creating an eyesore.
- The barn needs to be at least 20 feet and 3 inches (20' 3") tall to accommodate the farm equipment.
- There are two other barns on the street that are taller than the main dwellings on the respective lots and are clad in gray corrugated metal.
- Building behind the main dwelling would require clearing 8,000 square feet of farmland currently used for alfalfa and a garden, which would hurt the applicant's livelihood.
- The proposed barn would still be approximately 250 feet from the main road and not block the view of the home from the road.

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;

Denial of the variance for the height and placement of the barn would cause an unreasonable hardship. There is no other feasible way to store the farm equipment necessary for the applicant's livelihood, and placing the barn anywhere but the proposed location would require clearing a large swath of farmland that is also part of the applicant's income. However, requiring other architectural materials for the barn would not likely cause unreasonable hardship unless the materials were prohibitively expensive.

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

The property is very similar to others in the same district, and those properties also have barns that are taller than the main dwelling and clad in corrugated metal. However, the other barns are behind the main dwellings on the respective properties.

- (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 essential to the enjoyment of a substantial property right. The barn is necessary to preserve the life of the equipment necessary to maintain the applicant's farm, a common use in the area. A significant number of farm properties nearby have similar barns. As the property currently sits, granting this variance would be the only feasible way for the property owner to construct a barn that meets his needs.

- (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 and has not been shown to be against the public interest.

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

The granting of the variance is not required to observe the spirit of this Title nor would it ensure that substantial justice is done as established by the analysis of the remaining criteria.

APPLICABLE ZONING CODES

14.10.080 (5) Accessory Buildings Within the Buildable area. Accessory buildings meeting all setback requirements (within the buildable area) for the main dwelling shall:

- (a) Have a building footprint and height less than the main dwelling.
- (b) Comply with all lot coverage requirements.
- (c) Comply with the latest adopted edition of the International Building code.
- (d) Only be used for those accessory uses allowed in the respective zone.
- (e) Maintain architecturally similar material and colors with main building.

14.10.080 (6) Accessory Building Outside the Buildable Area. Accessory buildings that do not meet the setback requirements (outside the buildable area) for the main dwelling shall meet the conditions in Subsection (5) of this Section and the following:

- (a) Be no closer to the front property line than the main building.

CONCLUSIONS

This variance request meets most of the criteria established by Section 14.05.030(9). Denial would mean the applicant would continue to store his necessary farming equipment outside, which would leave it exposed to the elements and visible to his neighbors. Other property owners in the area have similar structures, and so the applicant's barn would not negatively impact the character of the area. Additionally, the

variance will not substantially negatively affect the general plan nor are neighboring property owners opposed to the home addition.

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.

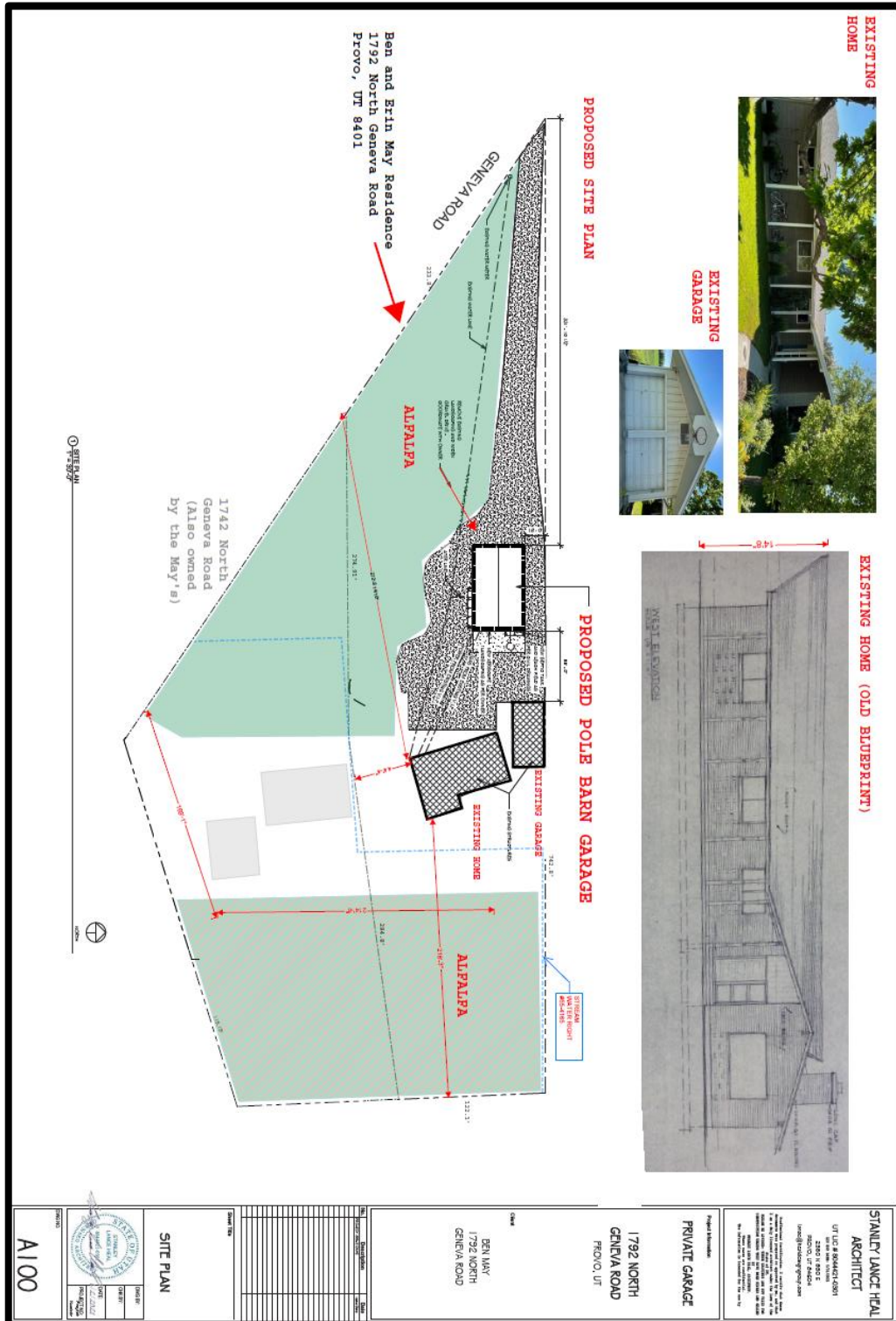
ATTACHMENTS

- 1. Location Map**
- 2. Proposed Site Plan**
- 3. Proposed Construction Plan**
- 4. Documentation Submitted by Applicant**
- 5. Photos of the Parcel and Surrounding Area**

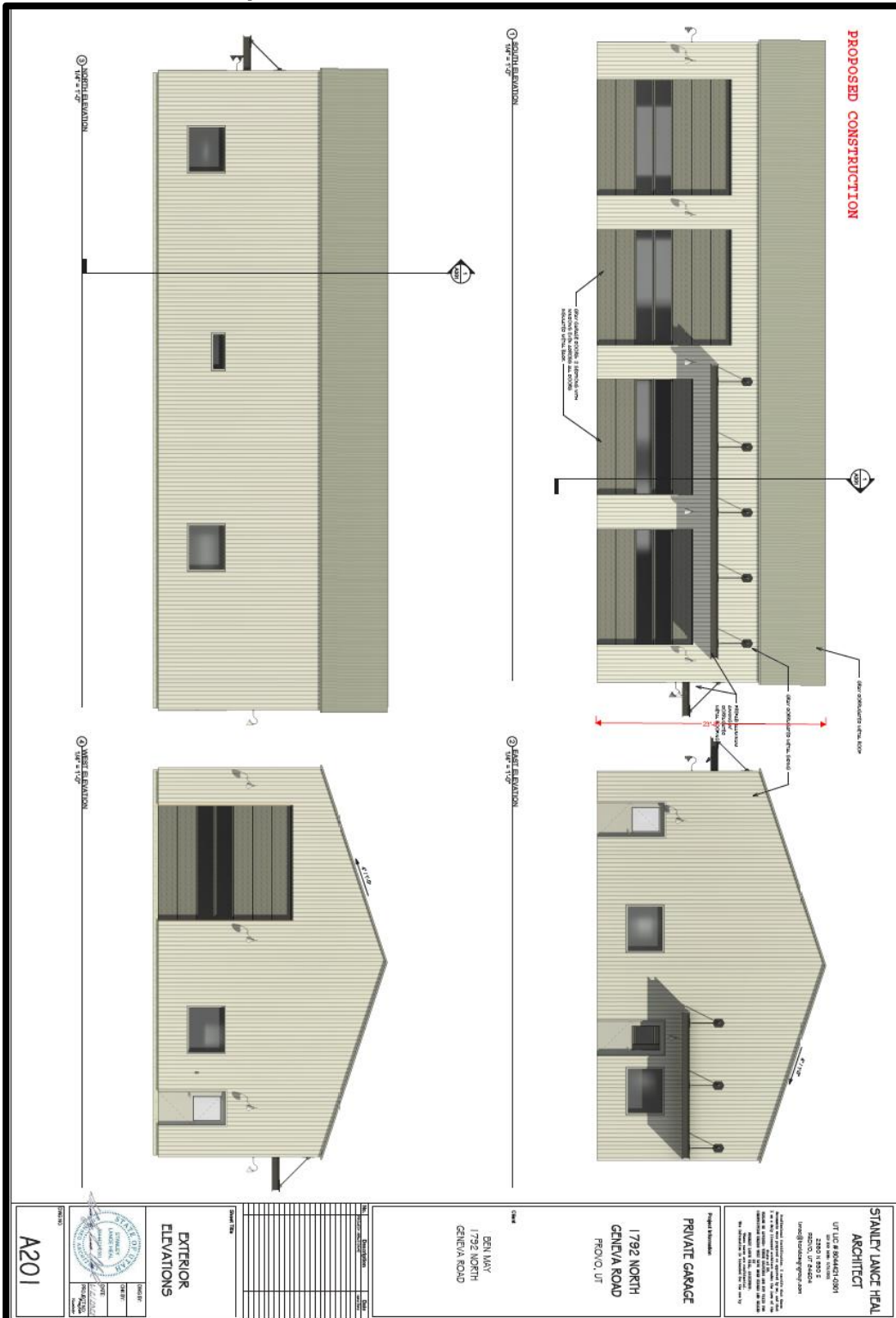
Attachment 1: Location Map



Attachment 2: Proposed Site Plan



Attachment 4: Proposed Construction Plan



Attachment 5: Documentation Submitted by the Applicant

Date: 6/13/2021

To: Board of Adjustment

From: Ben May

Re: Board of Adjustment Variance Application Statement of Applicant

Dear Provo City Board of Adjustment,

My name is Ben May and I would like to apply for a variance for a Pole Barn that I would like to build on my property located at 1792 North Geneva Road.

The Barn I have chosen to build is taller than my existing home (14' 8"), and it matches the other barns that are built on the neighboring properties to keep with the farming vernacular that is part of this area's history.

This property is the last remaining piece of my family's farm that began in 1879. We farm alfalfa, fruit, and vegetables on this property and my equipment, vehicle, trailers, and tools need a proper storage area. They currently sit out in the sun and don't look very appealing parked around the property. In order for my equipment to fit in the barn it needs to be as tall and deep as the plans show (23' 8").

I have made sure that we designed this Pole Barn to be clad with gray corrugated metal (\$10,000 upgrade from standard Pole Barn metal siding) to match the barns and farm buildings in the immediate area. And, we have also added some very nice architectural features to the building that will show clean lines, style and a very nice architectural appeal. Please notice the awnings over some of the doors to break-up the openings, and light fixtures to highlight the building in the evening. And, exterior lighting around the perimeter to match my home's extensive landscape lighting for a warm, safe feel in the evenings as you drive down the 450' driveway. And, the only added landscape area will be xeriscaped with zero city water needed for irrigation.

This will be a beautiful barn. One that matches the older barns in my neighborhood that have been around for generations, but with some architectural style to bring the old and the new together. So, in this case I feel it is appropriate to try and get a variance for this building.

Variances needed:

1. Building height: Proposed building height is 23'8". My existing home is 14'8". (As a note of reference, the Scott farm to the north of me and the Bunnell farm to my Southwest both have barns that are taller than the homes on the properties. So, we should fit in nicely.)
2. Accessory building no closer to the front of the property than the main building: In order for me to place this barn behind the main building I would need to remove 8000 SF of alfalfa and garden, and install a 385' gravel driveway which doesn't make much sense when I can build the barn right next to my existing gravel driveway and remove minimal alfalfa.
3. Similar material with main building: We feel that the proposed Pole Barn be clad with gray corrugated metal that matches the other barns in the area. It will look more appropriate than trying to match the materials of the main building (Brick and board and batten siding).

Please see the attached drawing package that addresses all the items on the variance checklist.

Thank you for your time. We have done our best to make sure this Barn is a beautiful and architecturally appropriate addition to the Lakeview area. We plan on living on this property for a very long time. And it is one of the oldest pieces of farm ground in Provo.

Kind regards, Ben May

Attachment 6: Photos of the Parcel and Surrounding Area

Photo of the May's property from across the street.



Photos of the properties to the west and south of the May's property with barns of similar heights.

