



Millcreek Planning and Zoning

3330 South 1300 East

Millcreek, Utah 84106

801-214-2700

millcreek.us

File # LUHO-22-014

Land Use Hearing Officer Summary, Analysis, and Recommendation

Request Type: Variance
Parcel ID: 16-33-204-008
Property Address: 1786 East Millcreek Way
Zone: R-1-10
Applicant: Dan and Lisa Peterson
Planner: Katie Larsen, Planner I

SUMMARY DESCRIPTION

The applicant is requesting a front yard setback variance to extend an existing detached garage. The current setback is 26.5 ft and is proposed to be reduced by 6.5 ft, leaving 20 ft to the front property line. The R-1-10 zone requires a 30 ft front setback; however, the setback is already 3.5' less than the required due to prior zoning allowances. The variance would allow for a 20-foot front yard setback, 6.5' less than the existing and 10' less than current zoning code permits.

19.92.050 Variances

1. 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:
 1. 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;
 2. There are special circumstances attached to the property that do not generally apply to other properties in the same district;
 3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;
 4. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
 5. The spirit of this title is observed and substantial justice is done.
2. In determining whether enforcement of this title will cause unreasonable hardship, the authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought and comes from circumstances particular to the property, not from conditions which are general to the neighborhood. In determining whether or not enforcement of this title would cause an unreasonable hardship, the authority may not find an unreasonable hardship if the hardship is self-imposed or economic. In determining whether or not there are special circumstances attached to the property, the authority may find that special circumstances exist only if special circumstances relate to the hardship complained of and deprive the property of the privileges granted to other properties in the same district. The applicant shall bear the burden of proving that all the conditions justifying a variance have been met.
3. In granting a variance, the authority may impose additional requirements on the applicant that will mitigate any harmful effects of the variance or serve the purpose of the standard or requirement that is waived or modified.

The applicant has provided a response to the above listed items, see page 10.



Millcreek Planning and Zoning

3330 South 1300 East

Millcreek, Utah 84106

801-214-2700

millcreek.us

PLANNING STAFF ANALYSIS

The minimum front yard setback in the R-1-10 zone is 30 feet. Currently, the setback is 26.5 feet which is considered legally noncompliant as it was likely established under zoning code at the time of construction. Per Salt Lake County assessor data, the home was built in 1948, which left it under the jurisdiction of Salt Lake County. According to the 1953 Zoning Ordinance, “The minimum depth of the front yard for main buildings and for private garages which have a minimum side yard of ten (10) feet shall be thirty (30) feet, **or the average of the existing buildings where fifty (50) per cent or more of the frontage is developed, provided that in no case shall the front yard be less than twenty (20) feet or be required to be more than thirty (30) feet.**”

The zoning ordinance in effect at the time of construction allowed for flexibility of front yard setback, which likely means that the 26.5’ setback was compliant at the time.

The lot is considered to be abnormally shaped as Millcreek Way winds its way around the frontage, leaving a circular shape, wherein the home is accessed via driveway. Staff views the shape of the lot as a hardship that leads to the resident not being to enjoy their property to the extent in which others are allowed.

All other setbacks will remain complaint per current zoning code. The extension will leave six feet between the accessory structure and the main residence as enforced by Title 19.17; the current side yard setback will remain.

The applicant asks for a 6.5’ reduction of front yard setback to extend their garage to allow for ADA accessibility. Currently, the resident cannot comfortably enter and exit their vehicle within the garage, as there is not enough space to allow for such.

PLANNING STAFF RECOMMENDATION

Planning Staff is recommending approval of Front Yard Setback Variance file number LUHO-22-014, subject to the following:

- The Land Use Hearing Officer making findings per Millcreek City Code **19.92.050**.

Pictured/Attached Documents:

- **Location/Zoning Map**
- **Existing Conditions**
- **SL County Zoning Ordinance, 1953**
- **SL County Zoning Map**
- **Applicants Response Letter**



Millcreek Planning and Zoning

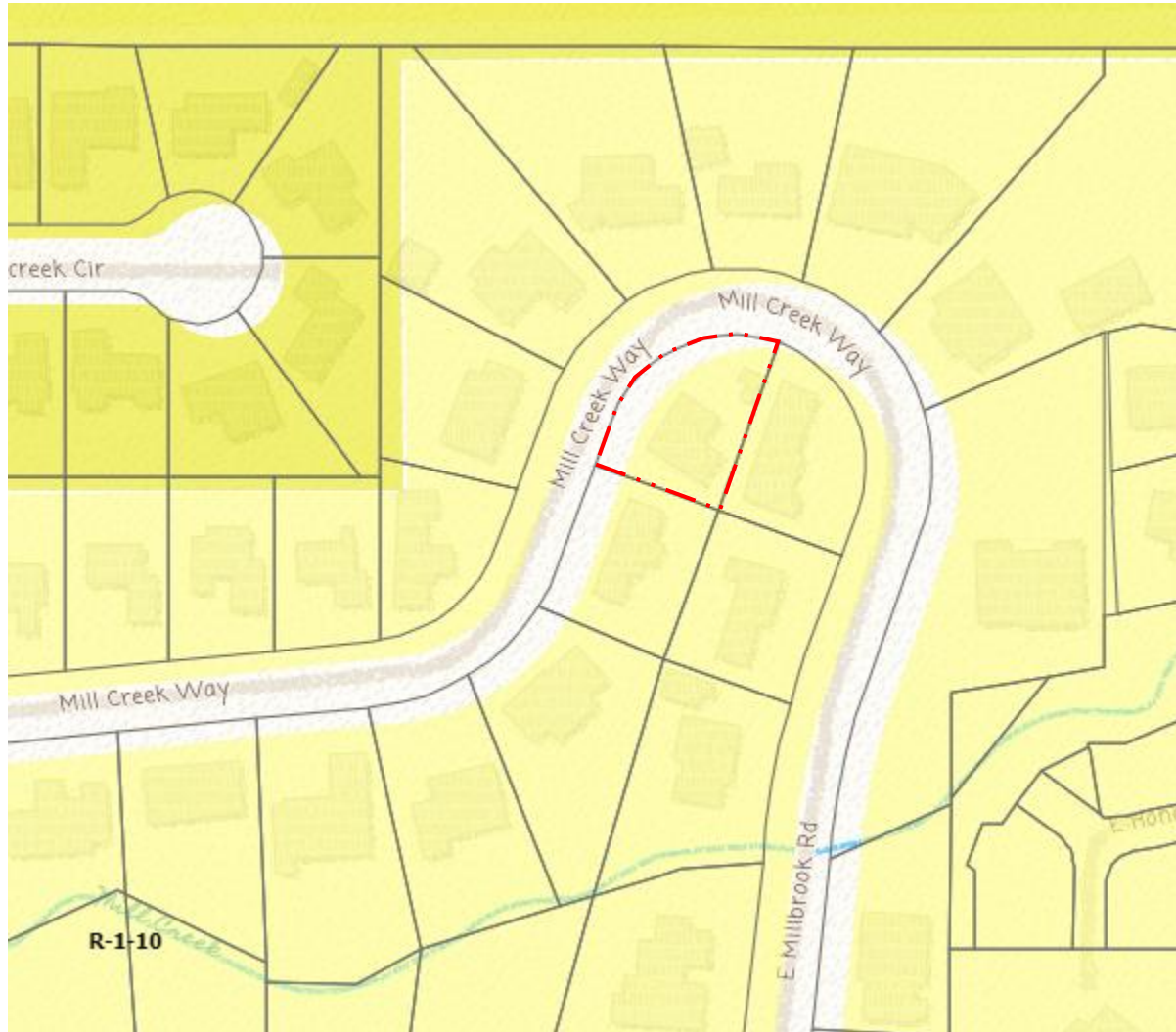
3330 South 1300 East

Millcreek, Utah 84106

801-214-2700

millcreek.us

Zoning/Location Map





Millcreek Planning and Zoning

3330 South 1300 East

Millcreek, Utah 84106

801-214-2700

millcreek.us





Millcreek Planning and Zoning

3330 South 1300 East

Millcreek, Utah 84106

801-214-2700

millcreek.us

The current configuration leaves little room for entry and access within a vehicle. It is also oriented in a way that may cause issue in pulling in/out safely.

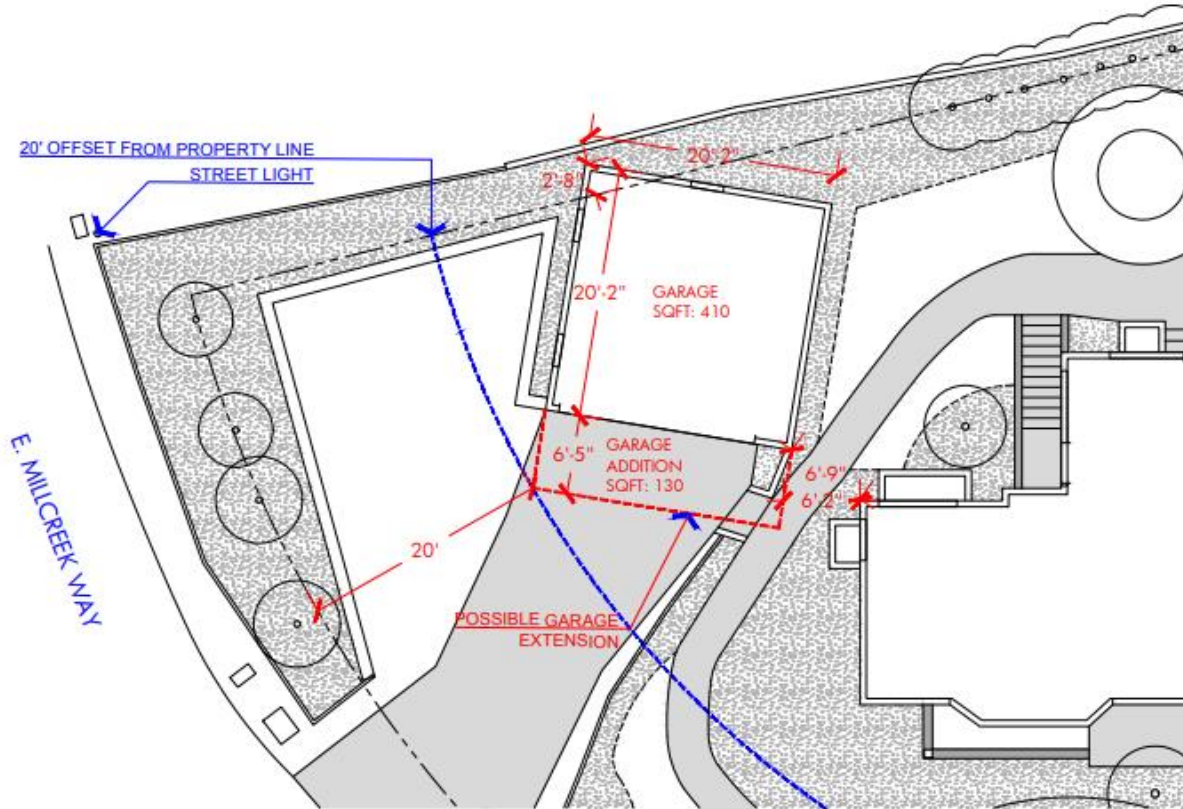




Millcreek Planning and Zoning

3330 South 1300 East
Millcreek, Utah 84106
801-214-2700
millcreek.us

Proposed





Millcreek Planning and Zoning

3330 South 1300 East

Millcreek, Utah 84106

801-214-2700

millcreek.us

Salt Lake County Zoning Ordinance, 1953.

	TITLE 8
	OF THE
	REVISED ORDINANCES OF SALT LAKE COUNTY, UTAH, <u>1953</u>
	ZONING AND PLANNING
Chapter 1.	General Provisions.
2.	Supplementary and Qualifying Regulations.
3.	Enforcement.
4.	Nonconforming Buildings and Uses.
5.	Board of Adjustment.
6.	Parking and Loading Space.
7.	Motor Vehicle Access.
8.	Public Utility Substations.
9.	Airport Dimensions and Height Regulations for Airports.
10.	Zones and Districts.
11.	Forestry Zone F-1.
12.	Residential Zone S-1A.
13.	Residential Zone S-1G.
14.	Residential Zone R-1.
15.	Residential Zone R-1A.
16.	Residential Zone R-1B.
17.	Residential Zone R-1L.
18.	Residential Zone R-2.
19.	Residential Zone R-2A.
20.	Residential Zone R-3.
21.	Residential Zone R-3A.
22.	Residential Zone R-3L.
23.	Residential Zone R-4.
24.	Residential Zone R-5.
25.	Agricultural Zone A-1.
26.	Agricultural Zone A-2.
27.	Agricultural Zone A-3.
28.	Commercial Zone C-1.
29.	Commercial Zone C-1L.
30.	Commercial Zone C-2.
31.	Commercial Zone C-3.
32.	Manufacturing Zone M-1.
33.	Manufacturing Zone M-2.



Millcreek Planning and Zoning

3330 South 1300 East

Millcreek, Utah 84106

801-214-2700

millcreek.us

See below for front yard setback requirements.

8-13-5. FRONT YARD REGULATIONS.

The minimum depth of the front yard for main buildings and for private garages which have a minimum side yard of ten (10) feet shall be thirty (30) feet, or the average of the existing buildings where fifty (50) per cent or more of the frontage is developed, provided that in no case shall the front yard be less than twenty (20) feet or be required to be more than thirty (30) feet. All accessory buildings, other than private garages which have a side yard of at least ten (10) feet, shall be located at least six (6) feet in the rear of the main building.



Millcreek Planning and Zoning

3330 South 1300 East

Millcreek, Utah 84106

801-214-2700

millcreek.us

Zoning Map, 1953.

Highlighted is the subject parcel, located in the R-1 zone. Attached is the full map.





Millcreek Planning and Zoning

3330 South 1300 East

Millcreek, Utah 84106

801-214-2700

millcreek.us

Applicants Response Letter

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:

1. 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;
 1. Dan Peterson, one of the homeowners suffers from 2 different types of cancer both rectal and brain cancer and has severe osteoarthritis in both knees and hips. Those conditions require assistive ambulatory devices such as canes, a walker, and (soon) a wheelchair. He'd like to stay out of the rain and snow while they unload and load those devices, and six feet would allow that. Shortening the driveway by six feet in order to get six more feet inside the garage would not seem to have any negative impact on any other properties in the neighborhood / city. Yet having those six feet covered, within the garage, would be a big help for him and his wife. Because of the location of the detached garage, which sits directly on the lot line, we are requesting to pull the front face of the garage closer to the street by up to 6'. This would not encroach into the existing front setback but would give enough room for the homeowners to safely load/unload their vehicle with any necessary walking devices.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same district;
 1. The current detached garage sits on the property line and is in a location that does not allow for a complete teardown and rebuild of the garage. Therefore, requesting that the front face of the garage be pulled up to 6' closer to the road/front setback would create a safe environment moving forward for the homeowners.
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;
 1. As stated in #1, Dan, the owner has 2 cancers that requires several assistive ambulatory devices such as walkers, canes and (soon) a wheelchair. Granting the variance would ease the burden of loading and unloading himself and these devices from the outside elements to the protection of the garage. Granting of the variance would not impose hardship on any lot next to the Petersons (1786 E Millcreek way) seeing as we are only requesting to pull/adjust the front face of the garage.
4. The variance will not substantially affect the general plan and will not be contrary to the public interest;
 1. Seeing that detached garage is staying in the same location and only changing on one side it will not affect the general plan of Millcreek city.
5. The spirit of this title is observed and substantial justice is done.
 1. If granted, the Petersons (The Homeowners) will be able to enjoy their quality of life that they deserve and ease many different burdens that are sure to arise due to sickness.



Planning Services

3330 South 1300 East • Millcreek, Utah 84106

Phone: (801) 214-2750

Millcreek.us

File #

Variance/Appeal Hearing Application before the Appeal Authority

Zone: _____ **Community Council:** _____ **Planner:** _____

Parent File #: _____ **Date:** _____

Name(s): Dan & Lisa Peterson

Address per tax rolls: 1786 E Millcreek Way

City/County: Millcreek **State:** Utah **Zip:** 84106

Office/home phone: _____ **Fax:** _____

Mobile phone: _____ **Message phone:** _____

Email address: amanzione@landformdesigngroup.com

Application is made for:

☒

**Variance from the terms of the
zoning ordinance
(See Section A, Page 2)**

☐

**Appeal of an administrative decision in
interpretation of the zoning ordinance
(See Section B, Page 3)**

ANSWER THE QUESTIONS COMPLETELY

Section A Application for a variance from the terms of the zoning ordinance

10-9a-702. Variances.

(1) Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the applicable appeal authority for a variance from the terms of the ordinance. These conditions are set forth in the following five questions:

- 1. State how the literal enforcement of the zoning ordinance would cause an unreasonable hardship that is not necessary to carry out the general purpose of the land use ordinance. (NOTE: A hardship must be associated with the property for which the variance is sought, comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood, and cannot be self-imposed or economic, 10-9a-702 (b)).**

Dan Peterson, one of the homeowners suffers from 2 different types of cancer both rectal and brain cancer and has severe osteoarthritis in both knees and hips. Those conditions require assistive ambulatory devices such as canes, a walker, and (soon) a wheelchair. He'd like to stay out of the rain and snow while they unload and load those devices, and six feet would allow that. Shortening the driveway by six feet in order to get six more feet inside the garage would not seem to have any negative impact on any other properties in the neighborhood / city. Yet having those six feet covered, within the garage, would be a big help for him and his wife.

Because of the location of the detached garage, which sits directly on the lot line, we are requesting to pull the front face of the garage closer to the street by up to 6'. This would not encroach into the existing front setback but would give enough room for the homeowners to safely load/unload their vehicle with any necessary walking devices.

- 2. What special circumstances are attached to the property that does not generally apply to other properties in the same land use zone?**

The current detached garage sits on the property line and is in a location that does not allow for a complete teardown and rebuild of the garage. Therefore, requesting that the front face of the garage be pulled up to 6' closer to the road/front setback would create a safe environment moving forward for the homeowners.

3. How would the granting of a variance be essential to the enjoyment of a substantial property right possessed by other property in the same land use zone?

As stated in #1, Dan, the owner has 2 cancers that requires several assistive ambulatory devices such as walkers, canes and (soon) a wheelchair. Granting the variance would ease the burden of loading and unloading himself and these devices from the outside elements to the protection of the garage.

Granting of the variance would **not** impose hardship on any lot next to the Petersons (1786 E Millcreek way) seeing as we are only requesting to pull/adjust the front face of the garage.

4. How will this variance affect the General Plan for Millcreek City?

Seeing that detached garage is staying in the same location and only changing on one side it will not affect the general plan of Millcreek city.

5. How will the spirit of the land use ordinance be observed, and substantial justice done?

If granted, the Petersons (The Homeowners) will be able to enjoy their quality of life that they deserve and ease many different burdens that are sure to arise due to sickness.

SIGNATURE – SECTION A ONLY Anthony Manzione

DATE: 7.13.2022

Section B Appeal of an administrative determination in applying the zoning ordinance

10-9a-703. Appealing a land use authority's decision.

The applicant, a board or officer of the county, or any person adversely affected by the land use authority's decision administering or interpreting a land use ordinance may, within the time period provided by ordinance, appeal that decision to the appeal authority by alleging that there is error in any order, requirement, decision, or determination made by the land use authority in the administration or interpretation of the land use ordinance.

Date of decision: _____

What determination was made?

(Include copies of any paperwork that you have received indicating this determination)

Name of board or official making that determination:

State the reason you feel that this determination is in error:

(Use additional paper and attach it to back of this application if more space is needed)

SIGNATURE – SECTION B ONLY

DATE

(For Office Use only)

Date received in Community Development Office: _____

Fee Paid: \$ _____

Received by: _____ Hearing Date : _____

Number assigned for reference: _____

Date Appeal authority made decision: _____

Decision of the Appeal Authority: _____

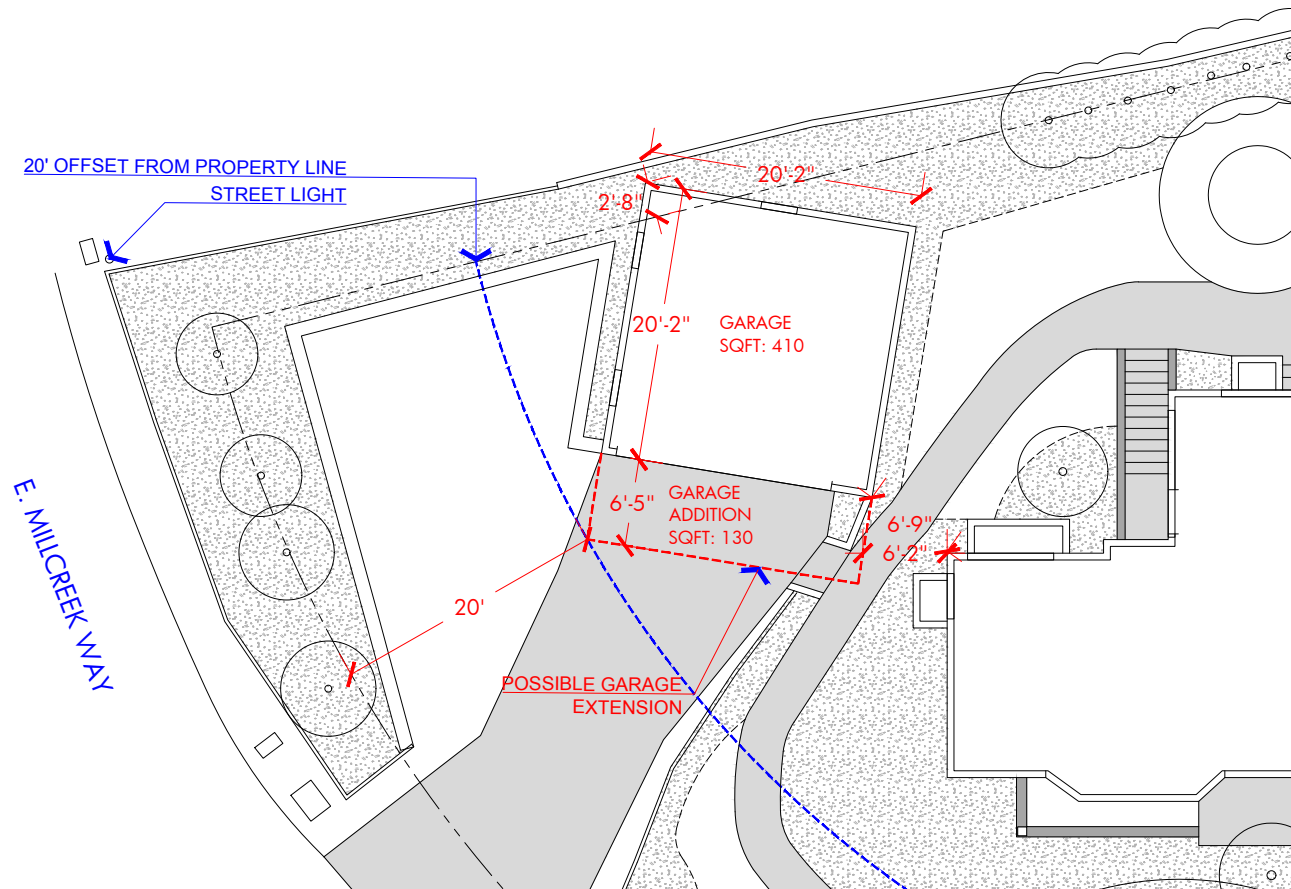
Date decision is mailed to applicant: _____

APPLICANT'S NAME:**First:** Anthony **Last:** Manzione **Initial:** ADM**Address:** 511 W 200 S #125 **City:** SLC **State:** UT **Zip:** 84101**Phone:** 801.521.2370 **Cell:** _____ **Email:** amanzione@landformdesignngroup.com**Property Owner(s):****First:** Dan & Lisa **Last:** Peterson **Initial:** _____**Address:** 1786 E Millcreek Way **City:** Millcreek **State:** UT **Zip:** 84106**Phone:** _____ **Cell:** _____ **Email:** _____**Professional(s):** ☐ **Engineer** ☐ **Architect** ☐ **Other****Company:** Landform Design Group **Contact:** Anthony Manzione**Address:** 511 W 200 S #125 **City:** SLC **State:** UT **Zip:** 84101 **Phone:** 801.521.2370**Cell:** _____ **Email:** amanzione@landformdesignngroup.com

**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 City to reproduce this application and all documents attached to the application for staff, officials, and the interested public:

Applicant's Signature: Anthony Manzione **Date** 7.13.2022



RESIDENTIAL SETBACKS
MILLCREEK RESIDENTIAL ZONE: R-1-10

ATTACHED STRUCTURES:
1. FRONT SETBACK: 30'
2. REAR SETBACK: 15' WITH GARAGE : 30' WITHOUT GARAGE
3. SIDES SETBACK: 5 FEET ONE SIDE AND 11 FEET ON THE GARAGE OR DRIVEWAY SIDE OR 8 FEET ON EACH SIDE

DETACHED STRUCTURES:
1. FRONT SETBACK: NO STRUCTURES
2. REAR SETBACK: 10' FROM PROP LINE
3. SIDE SETBACK: 9' FROM PROPERTY LINE
4. HEIGHT: 14' MAX
5. MINIMUM OF 6' FROM MAIN BUILDING

HOT TUB AND/OR SWIMMING POOL:
1. SIDE AND REAR SETBACK: SELF LOCKING GATE, NO HIGHER THAN 14' AND MUST BE 10' FROM PROP LINE

LANDSCAPE ARCHITECTURE//
SITE ARCHITECTURE //
CONSTRUCTION MANAGEMENT

511 W. 200 S. SUITE 125
SLC, UTAH 84101
OFFICE: 801.521.2370

WWW.LANDFORMDESIGNGROUP.COM

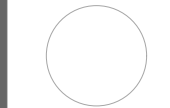
ALL RIGHTS RESERVED LANDFORM DESIGN GROUP

This document was prepared under the United States 1976 Copyright Act. It is a creative work or original authorship. None of the pictures, graphics, or technical charts or drawings depicted may be reproduced by any means, mechanical, electronic, or otherwise, nor may they be used or copied for any purpose without the express prior written permission of LANDFORM DESIGN GROUP.

This design indicates relationships based on data obtained from other parties and has been interpreted or confirmed by Landform Design Group to meet the requirements of the project. The information contained in this document, while considered reliable, is not warranted or guaranteed.

Although this document is intended for use during construction, the actual conditions encountered on site may require the modification of information contained herein. Any modification of the information contained herein will be subject to approval of Landform Design Group.

STAMP:



PETERSON RESIDENCE
1786 E MILLCREEK WAY, SLC, UT 84106

DATA:
date: 5.25.2022
project no: 2021.42
drawn by: ADM
checked by: JRK

REVISIONS:

SCALE:

SITE PLAN

SHEET