



RANDY SANT

INTERIM COMMUNITY
DEVELOPMENT
DIRECTOR

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October 3, 2022

Joe Leeftang representing the Bert Family
96 Danta Drive
Draper, UT 84020

RE: Notice of Variance Approval

Address: 2747 South Davis Grove Lane
Tax ID: 15-24-483-063-0000
File No: VA-22-003

Property Description: LOT 17, SOUTH GATE PUD.

To whom it may concern:

South Salt Lake City Staff received an application for a variance requesting an exception to the minimum lot size, front yard setback, side yard setback, and rear yard setback standards as they are set forth in the R1 land use district for a proposed development of a single-family dwelling at 2747 South Davis Grove Lane. This property is in the R1 Residential land use district.

The South Salt Lake City Community Development Director ("Director") has reviewed the variance application and has determined that the above property does qualify for the requested variances.

In order to grant a variance, the Director must find in favor of five criteria, under South Salt Lake City Municipal Code ("Code") Section 17.12.010(B):

1. **Literal enforcement of the Land Use Regulations would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the Land Use Regulations;**
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 zoning 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 the land use ordinance is observed, and substantial justice done.**

As found in Section 17.12.010(D), the applicant bears the burden of proving that all of the conditions justifying a variance have been met. The city received a letter, dated June 5, 2022 and another letter dated August 2, 2022, providing the City justification for granting the variance.

The determination in this letter is based on the following findings of fact and conclusions of law.

Findings of Fact

1. The applicant intends to build a single family home, located at 2747 South Davis Grove Lane.
2. The proposed lot is located in the R1 land use district.
3. The single-family dwelling use is permitted in the R1 land use district.

4. The proposed lot is located in the South Gate PUD ("Planned Unit Development") Subdivision.
5. The South Gate PUD plat was recorded with the Salt Lake County Records Office on June 8, 2007.
6. There are three out of the 18 lots in the South Gate PUD that have not been developed.
7. The subject lot has the dimensions of 78.56' on the west property line, 42.95' on the south property line, 57.7' on the east, and 55.96' on the north property line.
8. The subject lot is 0.06 acres in area.
9. Other lots in the South Gate PUD range from 0.05 acres to 0.08 acres.
10. The proposed single-family dwelling is 48' wide and 35.5' deep at its greatest extent.
11. Other single family-dwellings in the South Gate PUD are around 42' by 25' or 29' by 32'.
12. The applicant is petitioning for a variance seeking an exception to meeting the Code's minimum lot area, front yard, side yard, and rear yard setback standards in Section 17.07.030.
13. The code requires a minimum lot area of 6000 square feet where the subject lot contains approximately 2582.5 square feet of area.
14. The Code requires a 20' front yard setback; the applicant is proposing an 5'6" front yard setback.
15. Other single family dwellings in the South Gate PUD have front yard setbacks ranging from 6-feet to 20-feet.
16. The Code requires a 20' rear yard setback; the applicant is proposing a 5' rear yard setback.
17. Other single family dwellings in the South Gate PUD have rear yard setbacks ranging from 4-feet to 13-feet.
18. The Code requires a side yard minium setback of 5-feet with the combined side yard setback of 12-feet.
19. The applicant is proposing a 4' side yard setback on both sides of the home.
20. Other single family dwellings in the South Gate PUD have side yard setbacks ranging from 1-foot to 17-feet.
21. The applicant's letter, dated August 2, 2022, indicates that the literal enforcement of the land use ordinance would cause an unreasonable hardship to the property owner. The other lots of the South Gate PUD which are of similar size and development were approved and developed under different standards in 2011 thru 2013, which standards have since been revised to require the greater setbacks and lot area.
22. The applicant's letter dated August 2, 2022 indicates that special circumstances with the subject property exist due to the relatively small lot size, which was previously approved with the rest of the South Gate PUD, coupled with the current development standards. Of the eighteen lots in the South Gate PUD, the subject lot is one of three that remain undeveloped.

23. The applicant's letter, dated August 2, 2022, indicates that the granting of the requested variance is essential to the enjoyment of a substantial property right that is had by other property owners in the district. A single-family home is the sole possible use and development option for the lot and the requested variance enables that use.
24. The applicant's letter dated August 2, 2022, indicates that the granting of the requested variance will not substantially affect the general plan and will not be contrary to the public interest.
25. The applicant's letter dated August 2, 2022, indicates the spirit of the land use ordinance will be observed and substantial justice will be done as the proposed development is the intended use of the PUD lot and the home is designed with due consideration given to the form of the existing homes in the development.

Conclusions of Law:

1. Without a variance, the applicant's use as proposed, does not meet the minimum lot size, and the required front yard, rear yard, and side yard setback standards in the R1 land use district.
2. The applicant has provided sufficient evidence to show there is an unreasonable hardship associated with this property in relation to the lot size, front yard and rear yard setback requirements. The applicant, however, has not shown an unreasonable hardship exists in complying with the City's side yard setback requirements. An unreasonable hardship refers to difficulty in complying with a zoning ordinance because of circumstances unique to your property and not to conditions general to the area. The applicant has not provided any evidence to show that the applicant cannot comply with the side-yard setbacks. A hardship may not be self-imposed or solely economic. The surrounding lots in the South Gate PUD Subdivision were all developed between 2011 and 2013. These lots were sold to GSD for the purpose of students building a house as part of a class at the Granite Technical Institute. All the lots in the subdivision roughly have the same dimensions and acreage as the properties located at 2747 South Davis Grove Lane.
3. The applicant has provided sufficient evidence to show that there are special circumstances attached to the property. Special circumstances refer to physical conditions unique to the property which relates to the hardship, and make compliance difficult or impossible. The adjacent lots are similar in size and use. These properties were purchased by GSD in 2012. They were purchased with the intent to let students build a single family home as part of one of the classes offered at the Granite Technical Institute. Out of the 18 lots in the South Gate PUD subdivision three lots have not been developed.
4. The applicant has shown that a single-family dwelling unit is a substantial property right possessed by other properties in the same zone. A single-family home is a permitted use within the R1 land use district. Additionally, there are no existing uses at the property that could be continued for the applicant's enjoyment of a substantial property right.
5. The applicant has shown that the variance does not contradict the goals of the General Plan. Additionally, it would not be contrary to the public interest, seeing that these lots are part of a PUD. The intent behind a PUD is to add infill housing to an area.
6. The applicant has provided sufficient evidence to the spirit of the land use ordinance has been met and substantial justice done. The applicant has shown how they can meet all the design and development standards, apart from the setbacks and minimum lot area.

For the above stated reasons, the South Salt Lake City Community Development Director has determined that the above described property does qualify for a variance for the lot size, front yard and side yard setbacks. **Therefore the applicant's request for an exception to the minimum lot area, front yard, and rear yard setbacks is hereby approved for a lot size of 2,582.4 square feet, five and a half (5.5) foot front yard setback, and a five (5)**

foot rear yard setback. The request for a side yard exception, however, is not approved and the applicant shall comply with South Salt Lake City's side yard requirements before a building permit may be issued.

Any party adversely affected by this decision has the right to appeal this decision partially approving and partially denying the variance application to the Planning Commission. The appeal must be in writing, filed within 10 days of the Community Development Director's written Land Use Decision, stating each fact and every theory for relief on appeal. The Planning Commission will conduct an appeal de novo. The Planning Commission will act as a quasi-judicial body and shall afford due process to the parties on appeal, including allowing parties to call witnesses and present evidence as each party deems appropriate. See South Salt Lake City Municipal Code Section 17.12.020 for more information regarding a party's rights to appeal.

Please contact the Community Development Department with any questions or concerns.

Sincerely,

Randy Sant

Randy Sant
Interim Community Development Director

2747 S Davis Grove Lane Documentation

**COMMUNITY DEVELOPMENT DEPARTMENT**

220 East Morris Avenue, Suite 200

South Salt Lake City, Utah 84115

www.sslc.com**VARIANCE APPLICATION**Zone: R1Location: 2747 South DavisProperty ID#(s): Grove Lane
483063483063Total Acres: 0.020Applicant(s): Joe LeeflangMail Address: 96 DantaDraper Utah 84020Email Address: jleeflang@gmail.comTelephone: 949 306 6091Name of Project: Bent HomeProject Description: New ResidenceFee Title Owner: Kevin & Julie-Ann BentMail Address: 339 West 1100 SoLehi Utah 84041

Email: _____

Telephone: 801-874-9402**ACKNOWLEDGEMENT OF RESPONSIBILITY**

This is to certify that I am making an application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name, and I am the party with whom the City should communicate regarding any matter pertaining to this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I understand that my application is not deemed complete until all application requirements have been met, including the payment of any applicable fees, deposits, and/or bonds.

I further understand that additional fees may be charged for the City's review of the proposal if the City requires the services of outside consultants in its review. A deposit into an out-of-pocket with the City may be required to cover such costs, depending on the scope of the application. An accounting of costs will be made available to the applicant upon request if the City draws upon the out-of-pocket account to reimburse its outside consultant expenses associated with a particular application. The applicant may also be required to refresh its out-of-pocket account if initial deposits are insufficient to facilitate the full extent of required review. Any unused portion of the applicant's out-of-pocket deposits will be refunded to the applicant upon final disposition of the application.

SIGNATURE OF APPLICANT: Joe LeeflangNAME OF APPLICANT (PRINTED): Joe LeeflangMAILING ADDRESS: 96 Danta Draper Utah 84020PHONE #: 949 306 6091 EMAIL: jleeflang@gmail.com

-----FOR CITY USE ONLY-----

Fee Amount: _____ Receipt #: _____ Date: _____

PROPERTY OWNER'S AFFIDAVIT

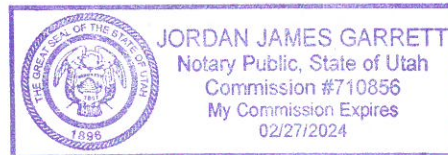
I/we Kevin & Jui-Wen Burt, being duly sworn, depose and say that I/we am/are the current owner of the property involved in this application: that I/we have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

Kevin Burt
Owner's Signature

Jui-Wen Burt
Owner's Signature (co-owner if applicable)

On the 26th day of April, 20 22, personally appeared before me Kevin & Jui-Wen Burt the signers(s) of the above Agent Authorization who duly acknowledged to me that they executed the same.

Jordan James Garrett
Notary Public
Residing in Salt Lake County, Utah
My Commission expires: 02/27/24



AGENT AUTHORIZATION

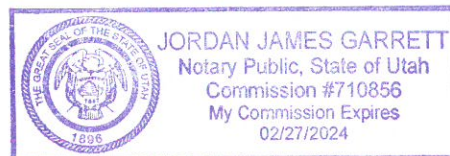
I/we, Kevin & Jui-Wen Burt, the owner(s) of the real property located at 2747 Davis Grove Lane, South Salt Lake City, Utah, do hereby appoint Joe F. Leeflang as my/our agent to represent me/us with regard to this application affecting the above described real property located in the City of South Salt Lake, and authorize Joe F. Leeflang to appear on my/our behalf before any City Board or Commission considering this application.

Kevin Burt
Owner's Signature

Jui-Wen Burt
Owner's Signature (co-owner if applicable)

On the 26th day of April, 20 22, personally appeared before me Kevin & Jui-Wen Burt the signers(s) of the above Agent Authorization who duly acknowledged to me that they executed the same.

Jordan James Garrett
Notary Public
Residing in Salt Lake County, Utah
My Commission expires: 02/27/24



Joe Leeflang
96 Danta
Draper, Utah 84020
Project Manager

2 August 2022

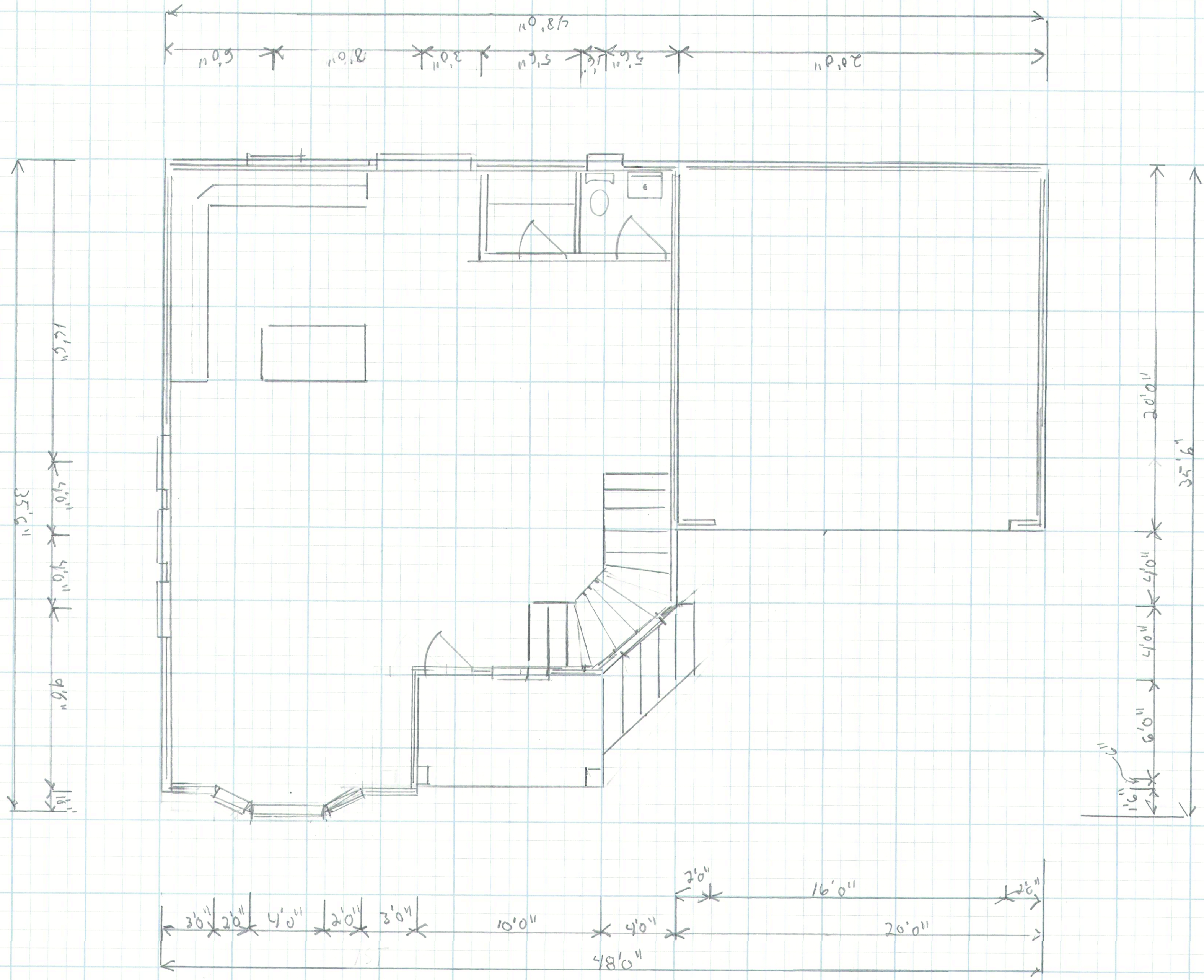
To Whom It May Concern:

Kevin and Jui Wen Bert are seeking a variance for the property located at 2745 South Davis Grove Lane. This letter is to address the five questions South Salt Lake legal department require answered.

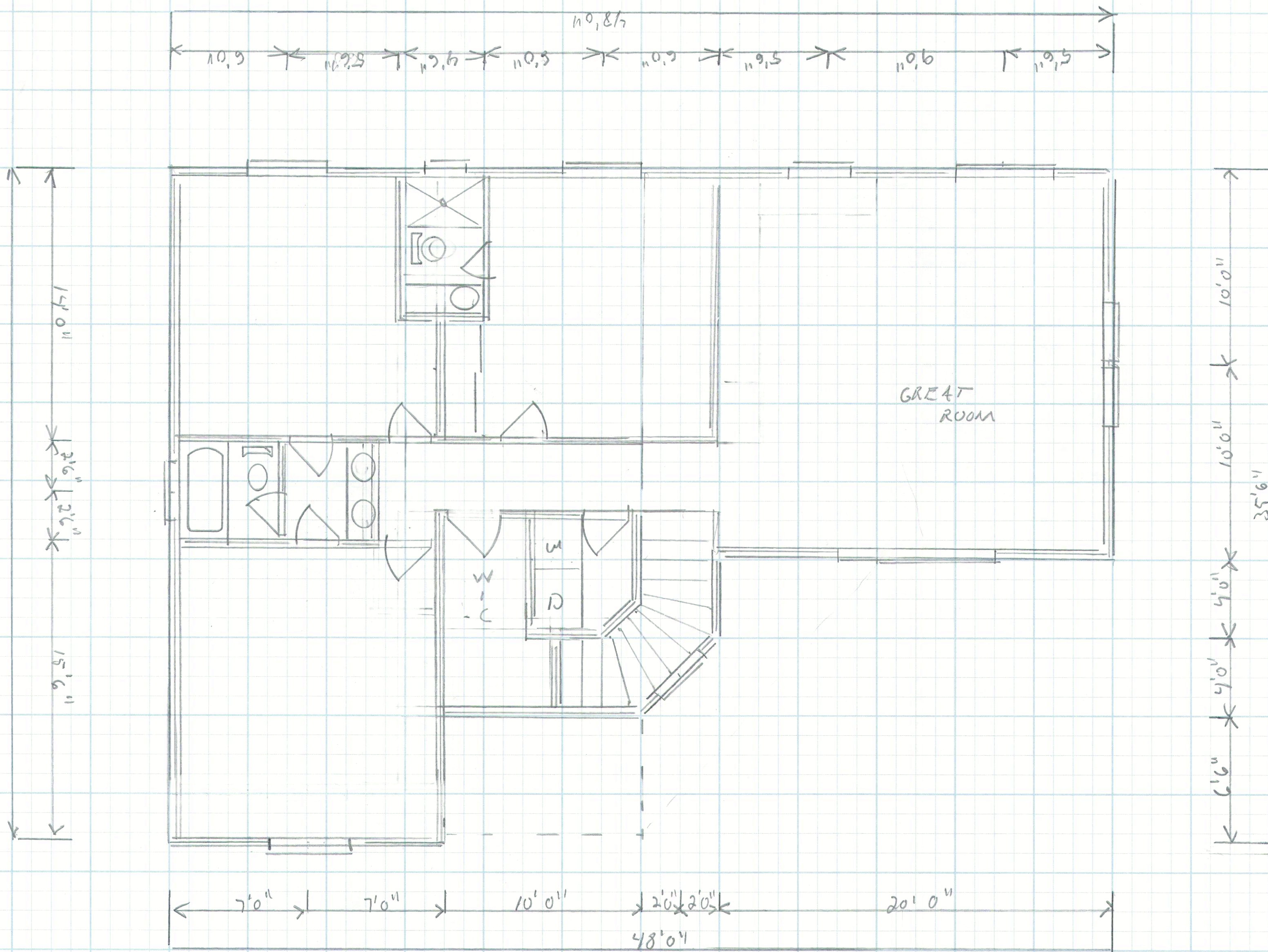
1. The literal enforcement of the land use regulation would cause unreasonable hardship for the Berts, owners of the property in question, because of the size of the lot. The lot is in the South Gate PUD. Larger required setbacks were established by the planning commission after the South Gate PUD was planned. Literal enforcement of the current land use regulation would not allow a home to be built on this property. All the homes built in the South Gate PUD were built between 2011-2013 with the city approval of the South Gate PUD.
2. There are special circumstances with the property that do not apply to other properties because of the size of the lot, and the lot, being located in a formerly approved PUD. Properties in the South Gate PUD all share the same special circumstances. There are 18 lots in the South Gate PUD. The property in question is one of three currently not built on.
3. Granting the variance is essential to the enjoyment of a substantial property right enjoyed by every other property in the South Gate PUD. Only a single-family home is permitted in this zone, no other prior land use existed on these lots that could remain in place.
4. Granting the variance will not substantially affect the general plan and will not be contrary to the public interests. The home will be built in a style complimentary to the other homes in the PUD.
5. The spirit of the land use ordinance will be observed and substantial justice will be done if the variance is granted. This will allow the Bert family to build a home similar to those in the South Gate PUD and use the property as it was initially planned for.

Thank you,

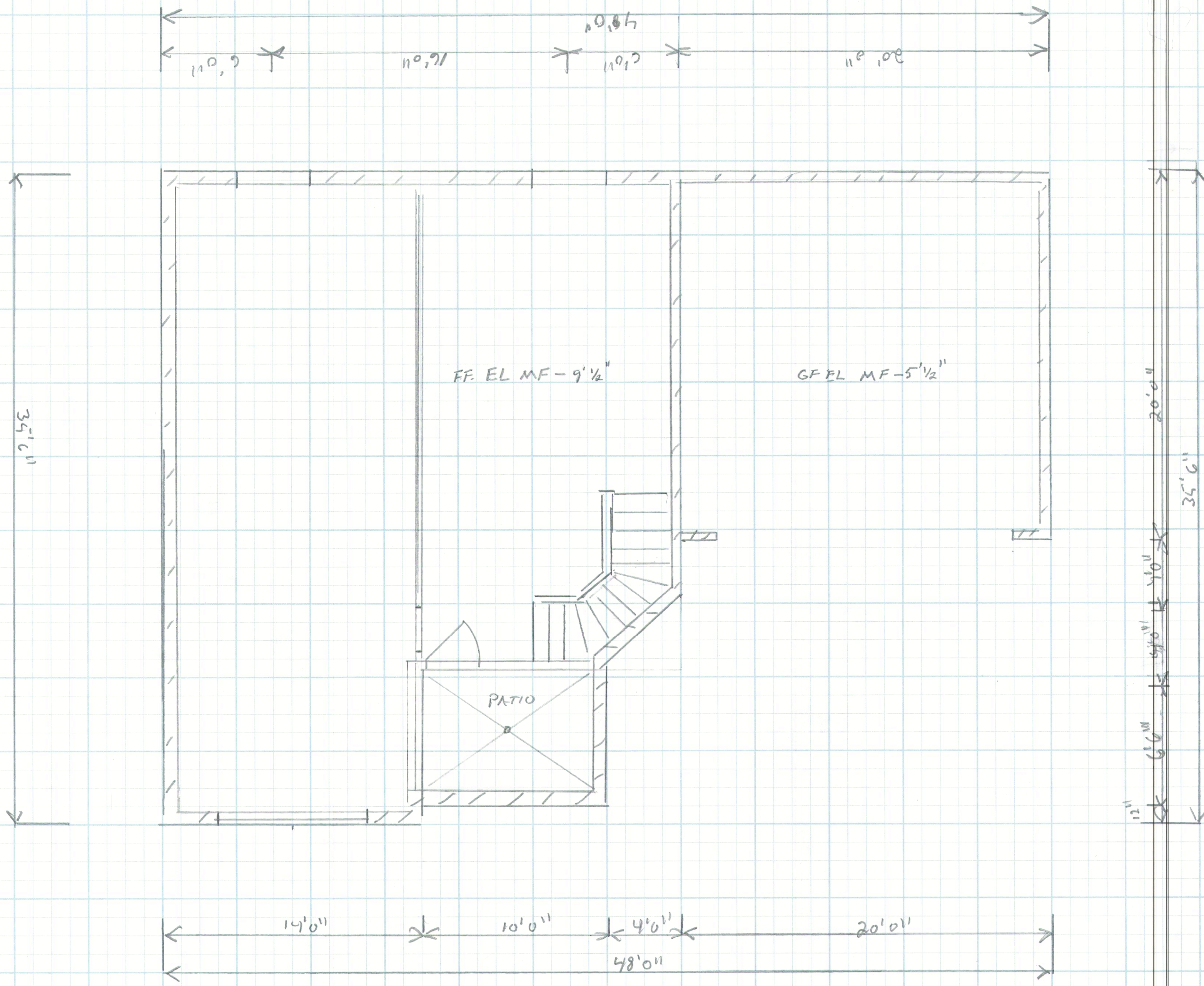
Joe Leeflang
Project Manager



MAIN FLOOR
1/4" = 1'0"



SECOND FLOOR
Scale 1/4" = 1'0"



BASEMENT
1/4" = 1' 0"

BERT RES 2745 S. DAVIS GROVE AVE



WHITE L.P. LAP -
SIDING WHITE TRIM
L.P. P^h GROVE PANEL -
ON GABLES. BLACK
COMP ROOF

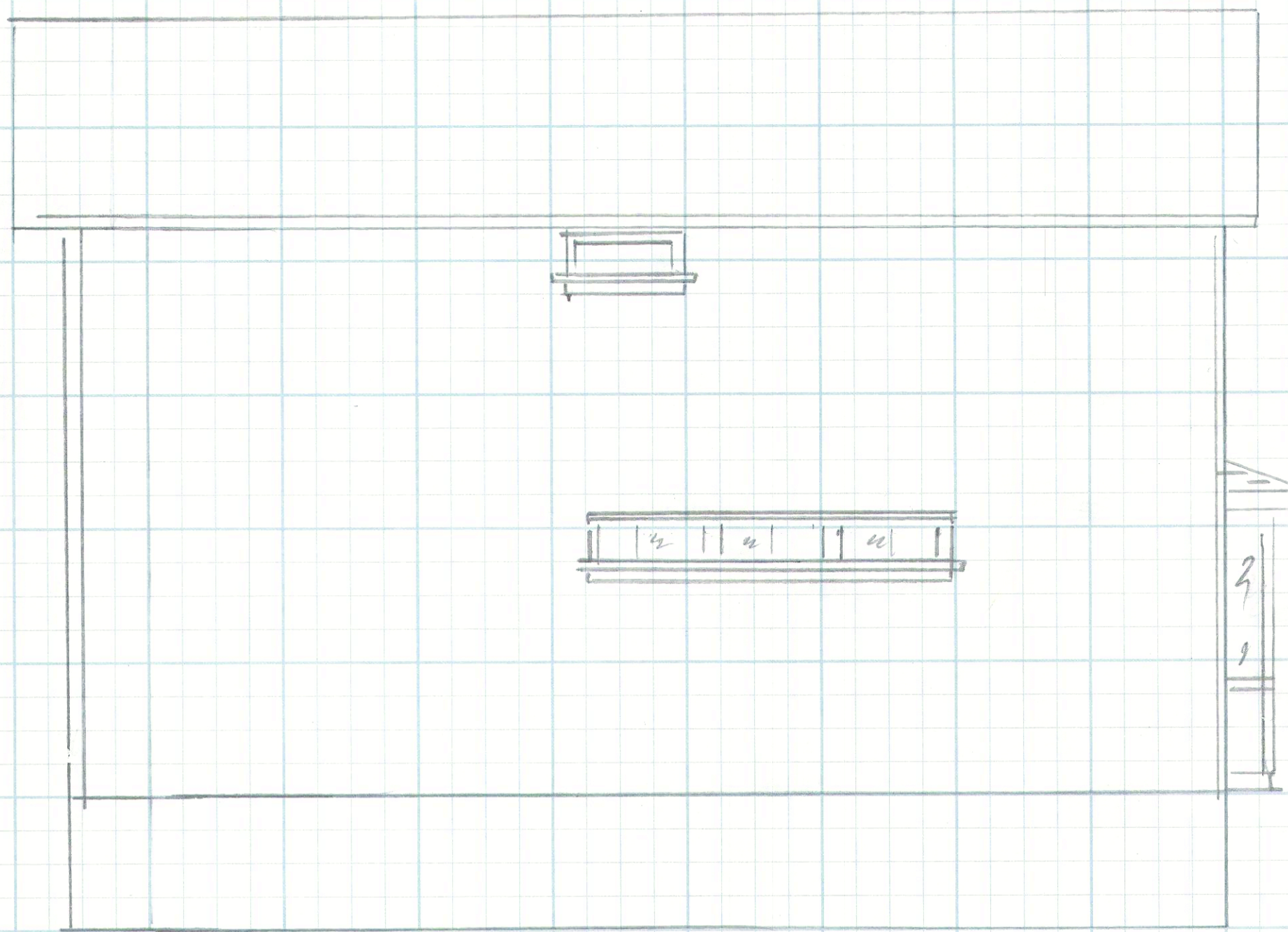
WEST ELEVATION
Scale 1/4" = 1'0"

DAVIS GROVE LANE

27455

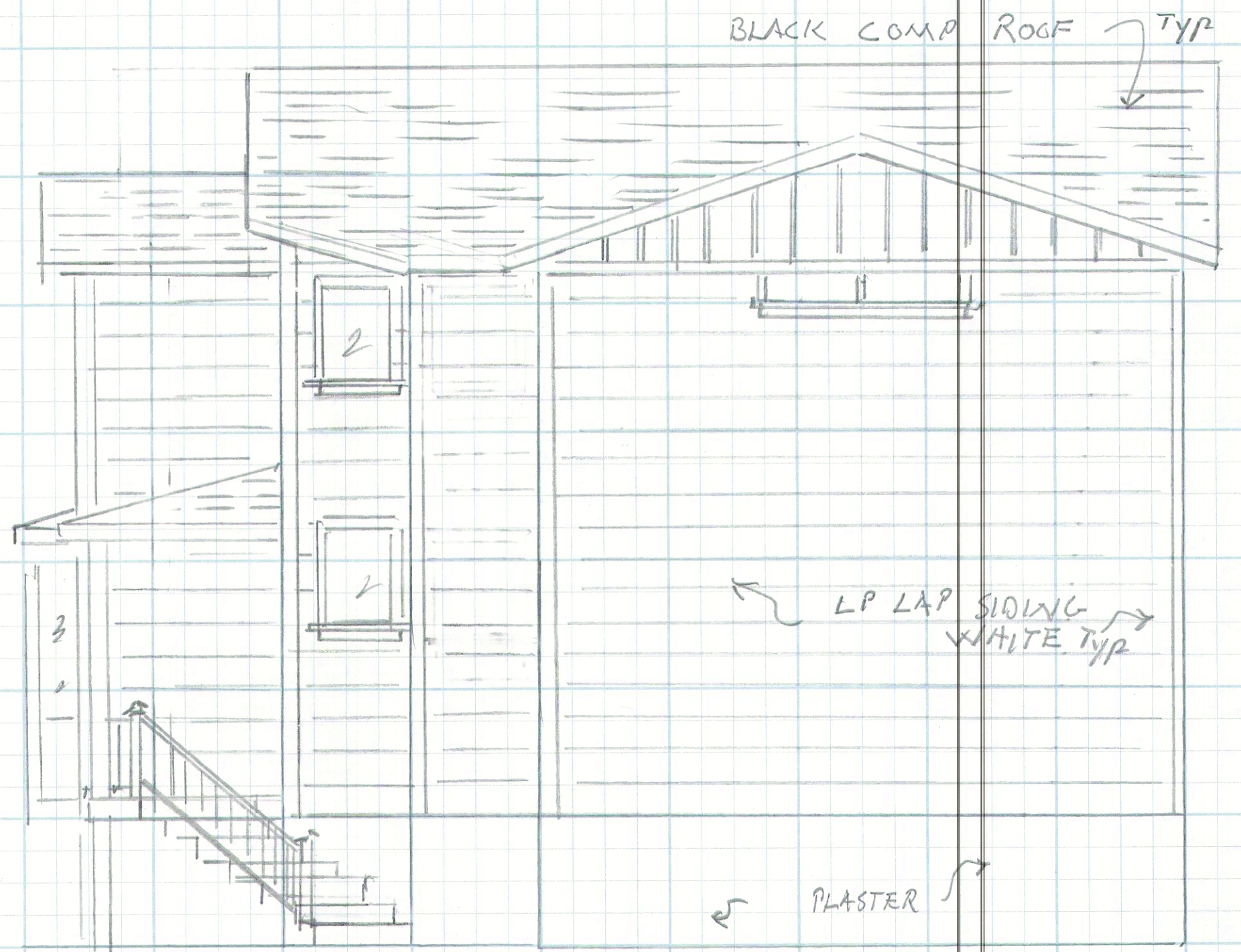
BERT RES

A1



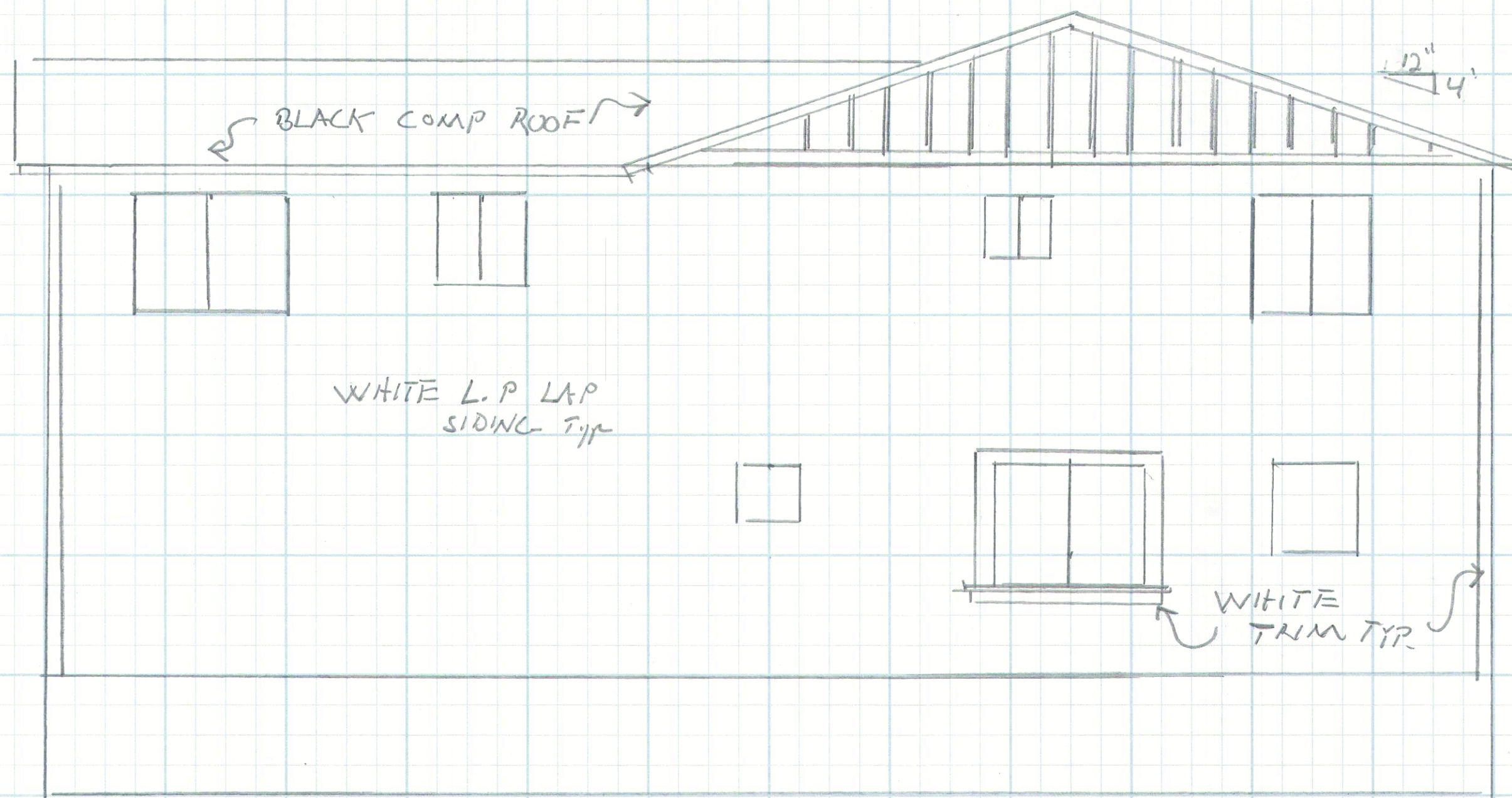
EAST ELEVATION

1/4" = 1' 0"



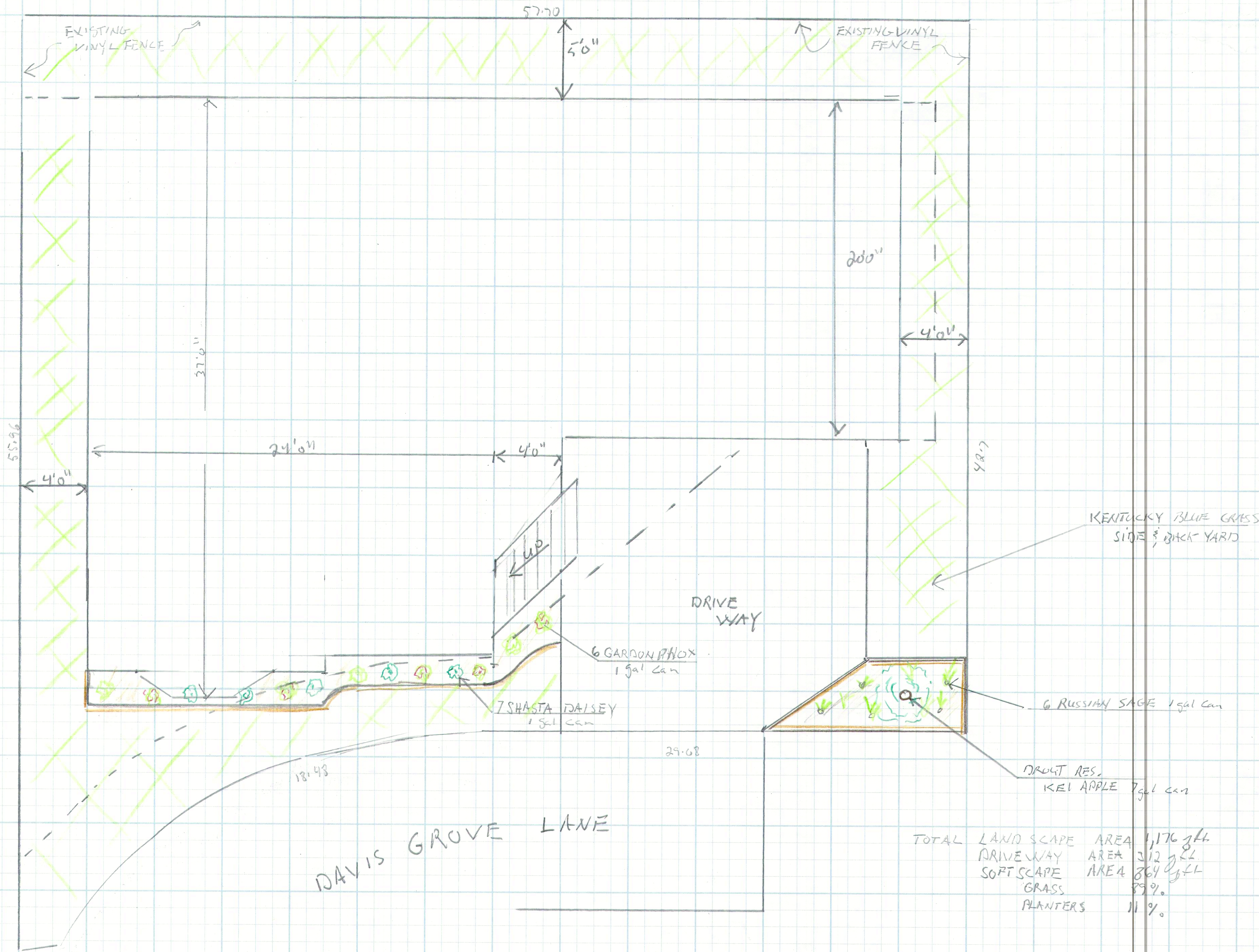
SOUTH ELEVATION

scale 1/8" = 1' 0"



EAST ELEVATION

$\frac{1}{4}" = 1'0"$



LANDSCAPE PLAN

L1 BERT RES 2745 DAVIS GROVE LANE

