

Board of Adjustment Staff Report

MEETING DATE: March 10, 2016



PROJECT: BOA 16-002

LOCATION: 3516 East 8740 South

REQUEST: Variance to Front Setback

OWNER/APPLICANTS: Lane Halversen

STAFF RECOMMENDATION: APPROVAL

APPLICANT'S PROPOSAL

Applicant's Request

The request is for a variance to the front yard setback requirement for a lot in the R-1-8 zone from 25 feet to 8 feet. The subject property is Lot 1 of the Sutton Subdivision.

BACKGROUND

This is a vacant property on the south side of 8740 South, at 3516 East. The property is an existing Lot in the Sutton Subdivision, recorded in 1976. Because the property contains significant fault line issues, the applicant is seeking relief in the form of a variance to that front setback in order to pursue reasonable development on the lot. This lot sits on the corner of 8740 South and Sutton Way. The requested variance would apply only to the frontage along Sutton way. The other frontage, on 8740 South Street, would maintain the required setback for a side yard on a corner lot in the R-1-8 zone, which is 20 feet.

Zoning

The subject property is located in the R-1-8 zone. The minimum front setback is 25 feet.

Context

Staff finds that the proposal demonstrates a reasonable hardship, due to the fact that this is an existing subdivision lot approved by Salt Lake County, prior to the existence of geologic standards or review. The existence of a fault line render it difficult to meet the minimum front setback while leaving a buildable pad of reasonable depth. Staff finds that the parcel can be reasonably developed with a variance to the front setback. The option of developing the lot with the frontage along 8740 South is not feasible because the fault line, and required setback from that line encumbers a large portion of that frontage.

Ordinance 19.92.070 Powers and duties of the board.

Ordinance 19.92.070 provides relief from the literal enforcement of the zoning ordinance by allowing a variance from dimensional standards of the ordinance if the criteria for granting a variance are met.

Ordinance 19.92.070 states that the board may grant a variance only if:

1. "Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance;"

Staff finds that the existence of a fault line on this approved subdivision lot does create a hardship.

2. "There are special circumstances attached to the property that do not generally apply to other properties in the same district;"

Staff finds that special circumstances do exist on the property which do not generally apply to other properties in this district in that the current development standards pertaining to lots with fault lines, as well as strict application of setback requirements of the zone, significantly hinder the developable area of the lot.

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

Staff finds that with a variance to the front setback the lot could be reasonably developed, and granting a variance to the lot width requirement will allow this property to enjoy a right that others in this district possess.

4. "The variance will not substantially affect the general plan and will not be contrary to the public interest; and,"

Staff finds that the variance does not adversely affect the general plan, and the right of development of single family residential in the R-1-8 zone is not contrary to the public interest.

5. "The spirit of the zoning ordinance is observed and substantial justice is done."

Staff finds that by granting the variance substantial justice is done and the spirit of the ordinance is observed.

CONDITIONS OF APPROVAL

1. The applicant shall verify that the "clear sight," sight distance triangle is maintained at the intersection of 8740 South and Sutton Way. This can be done as a detail on future building plans.
2. Primary vehicular access shall be from 8740 South Street.

FINDINGS

Staff recommends approval of the expansion of a non-conforming structure with the following findings:

1. The proposal will not negatively affect the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the city because the use is the same as now exists.
2. The proposal will not create any significant congestion in the streets or roads.
3. The proposal is permitted in the R-1-8 zone and is the same land use type as surrounding properties, and will cause no negative effect on the city's tax base.

4. The proposal will not place any type of unreasonable burden upon neighboring properties.
5. The proposal is in keeping with the intent of this title.

Staff: Glen Goins, Senior Planner
801-944-7065

Attachments

1. Aerial Map
2. Clear Sight Triangle

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Aerial Map



Clear Sight Triangle

