

**BOARD OF ADJUSTMENT STAFF REPORT
CASE #420-07-053
April 16, 2007**

Petitioner: John Bouzek

Address: 407 East 300 South

Request: **SPECIAL EXCEPTION** to allow front yard parking in an RMU zoning district.
(Section 21A.44.050.B)

PLANNING OBJECTIVE

Yard areas are devoted primarily to landscaping in order to foster aesthetically pleasing developments, which will protect and preserve the appearance, character, health, safety, and welfare of the community. However, front yard parking may be allowed as a special exception when the rear or side yards cannot be reasonably accessed and it is impossible to build an attached garage that conforms to yard area and setback requirements.

BACKGROUND





The applicant owns the mixed used structure which contains 2 residential dwellings and 1 retail space located at 407 East 300 South. The building was built in 1914 and the surrounding properties were built in the 1930’s and 1960’s. The applicant has no off-street parking access. The zoning ordinance does not allow parking in the front yard between the front lot line and the front wall of the principal building (Table 21A.44.050). Section 21A.44.050 B, however, states that front yard parking may be allowed as a special exception subject to three conditions. These conditions are addressed below.

Current zoning and land use on the subject property:

Zoning	RMU
District Purpose	Single- and two-family Residential District
Lot Dimensions	42.5 wide by 82.5 feet deep
Lot Area	3,506 square feet
Current Land Use	Mixed-Use (2 Residential Units and 1 Retail Space)

Request

The applicant is proposing install a stamped concrete driveway. This would create a hard surface parking area in the required front yard of the subject lot (Exhibit A). The proposed stall will be 9 feet wide by 20 feet deep.

SPECIFIC STANDARDS OF REVIEW

Section 21A.44.050B of the Salt Lake City Zoning Ordinance states:

Front yard parking may be allowed as a special exception when the rear or side yards cannot be reasonably accessed and it is impossible to build an attached garage that conforms to yard area and setback requirements, subject to the following conditions:

Condition 1: The hard-surfaced parking area be limited to nine feet (9') wide by twenty feet (20') deep.

Analysis: The applicant has proposed a parking pad that is nine feet (9') wide by twenty feet six inches (20'6") deep. As a condition of approval only one vehicle shall be allowed in the stall. Planning staff finds that the intent of this condition is met.

Condition 2: A minimum twenty foot (20') setback from the front of the dwelling to the front property line exists so that vehicles will not project into the public right-of-way.

Analysis: The distance from the front property line to the front of the dwelling is twenty feet six inches (20' 6"). Vehicles will not project into the public right-of-way. Planning staff finds that the intent of this condition is met.

Condition 3: Parking on the hard-surfaced area is restricted to passenger vehicles only.

Analysis: This standard is a condition of approval.

GENERAL STANDARDS OF REVIEW

The standards of review for a special exception are set forth in Section 21A.52.060 of the Salt Lake City Zoning Ordinance. The standards are as follows:

Standard A. Compliance With Ordinance and District Purposes: The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations for this district were established.

Analysis: The property is located in an RMU zoning district. The dwelling on this property was constructed in 1914 at which time off street parking was not required. Staff finds that the proposal is in harmony with the general and specific purposes for which this title and the regulations were enacted. The eastern side yard is approximately two feet seven inches (2'7") wide. The western side yard is approximately 10 inches (10") wide. Staff finds that the rear and side yards of the subject property cannot be reasonably accessed and that the request for front yard parking complies with the purposes of this district.

Standard B. No Substantial Impairment of Property Value: The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.

Analysis: *Providing front yard parking will decrease the amount of competition for on-street parking on 300 South. There is metered parking only along 300 South Street. Staff has no evidence that providing one front yard parking space on the subject property would substantially diminish or impair the value of the neighborhood or nearby properties.*

Standard C. No Undue Adverse Impact: **The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety and general welfare.**

Analysis: *Staff finds that the health, safety and general welfare of the area will not be harmed. The design takes into consideration that the mature trees in the public way will not be removed or affected.*

Standard D. Compatible with Surrounding Development: **The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.**

Analysis: *Staff finds that the proposed front yard parking will be constructed, arranged, and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.*

Standard E. No Destruction of Significant Features: **The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.**

Analysis: *Staff finds that the proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.*

Standard F. No Material Pollution of Environment: **The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.**

Analysis: *Staff finds that the proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.*

Standard G. Compliance with Standards: **The proposed use and development complies with all additional standards imposed on it pursuant to Section 21A.52.100 of this Chapter.**

Analysis: *The specific standards imposed upon the requested front yard parking have been addressed above and are addressed in the conditions of approval.*

Staff Recommendation:

Staff finds that the proposal meets the standard conditions of approval for a Special Exception for Front Yard Parking. Those conditions are 1) the hard-surfaced parking area be limited to

nine feet (9') wide by twenty feet (20') deep. 2) A minimum twenty foot (20') setback from the front of the dwelling to the front property line exists so that vehicles will not project into the public right-of-way. 3) Parking on the hard-surfaced area is restricted to passenger vehicles only.

Board of Adjustment approvals for Special Exceptions for Front Yard Parking include: Case # 2771-B at 1049 East 600 South, approved February 28, 2005 with conditions; Case # 2783-B at 1253 East Gilmer Drive approved, June 17, 2005; Case # 2786- B at 30 South 1000 East, approved July 18, 2005; Case # 2792-B at 34 West Boulevard Gardens Street, approved August 15, 2005. Staff found no cases which were denied within the last three years, with the exception of Case # 2844 at 1466 Indian Hills Drive, where the request was for front yard parking of an RV.

POTENTIAL MOTIONS

Approval

From the evidence, testimony and plans presented, I move that the Board grant the special exception to allow front yard parking at 407 East 300 South in an RMU zone because:

1. The proposal will be in compliance with ordinance and district purposes;
2. The proposal will not diminish neighboring property values;
3. The proposal will not have a material adverse effect upon the character of the area;
4. The proposal will be compatible with surrounding development;
5. There are no significant features that will be destroyed or any material pollution of the environment;
6. The proposal is in compliance with the general and specific standards of review for a special exception.

Conditions of Approval:

1. Parking on the hard-surfaced area is restricted to one passenger vehicle only.
2. The new driveway and parking must meet city standards as per Salt Lake City Transportation Division review.

Denial

From the evidence, testimony, and plans presented, I move that the Board deny the special exception to allow front yard parking at 407 East 300 South in an RMU zoning district because:

The proposal does not meet the general standards of approval for a special exception because the use is not compatible with the surrounding neighborhood and would have a material adverse effect upon the character of the area.

Nole Walkingshaw
Senior Planner

Exhibits

- A. Application**
- B. Applicant's statement (letter)**
- C. Site Plan**

EXHIBIT A
Application

EXHIBIT B
Applicant's statement (letter)

EXHIBIT C
Site Plan

EXHIBIT D
Minutes from Board of Adjustment (Case 7000,
heard October 6, 1975; and Case 9485, heard
December 12, 1983)