

Board of Adjustment Staff Report

Mower Garage Size Special Exception
Petition #420-07-245

located at approx. 1648 East Garfield Avenue
Hearing date: January 28, 2007



Planning and Zoning Division
Dept. of Community Development

Applicant:

Clark Mower

Staff:

Casey Stewart 535-6260
casey.stewart@slcgov.com

Tax ID:

16-16-381-008

Current Zone:

R-1-7000 (Residential)

Master Plan Designation:

Sugar House Community Master
Plan: Low Density Residential

Council District:

District 6 Councilmember
Dave Buhler

Lot size: 0.16 acres

Current Use:

Single Family Dwelling

Applicable Land Use

Regulations:

- Section 21A.40.050.B.2
Accessory Building Coverage
- Section 21A.52 Special
Exceptions

Attachments:

- A. Project Description
- B. Site map
- C. Building sketches
- D. Vicinity Map

REQUEST

To construct a new, single story detached garage that exceeds the building coverage limits established by the R-1 zoning districts for accessory buildings (*Sections 21A.40.050 B.2*). The coverage shall not exceed fifty-percent (50%) of the footprint of the principal structure. In this case the principal structure has a footprint of 1,148 square feet, which would allow for a garage size of 574 square feet. The requested size is 720 square feet (24 feet wide by 30 feet deep). The additional building size would allow for storage of two vehicles, yard maintenance equipment and personal items.

PUBLIC NOTICE

A notice of public hearing was mailed to all property owners within 85 feet of the subject property on January 12, 2008.

PUBLIC COMMENTS

No public comments have been received.

RECOMMENDED MOTIONS:

Approval:

From the evidence and testimony presented and pursuant to the plans submitted, I move that the Board grant the special exception to allow the construction of a garage with a footprint size of 24 feet wide by 30 feet deep (720 sq. ft.) for the following reasons:

1. Holding the petitioner to the regulations of the Zoning Ordinance would cause an unreasonable hardship that is not necessary to carry out the general intent of the ordinance;
2. A special circumstance is attached to the property that does not generally apply to other properties in the R-1-7000 Zoning District ;
3. Granting the special exception is essential to the enjoyment of a substantial property right, which is enjoyed by other property owners in the city;
4. The allowance will not affect the general plan and will not be contrary to the public interest; and
5. The plan meets the spirit and intent of the Zoning Ordinance.

Denial:

From the evidence and testimony presented and pursuant to the plans submitted, I move that the Board deny the special exception to allow the construction of a garage with a footprint size of 24 feet wide by 30 feet deep (720 sq. ft.) for the following reasons:

1. The literal enforcement of the Zoning Ordinance causes no unreasonable hardship for the applicant;
2. The Board is unable to identify a special circumstance attached to the property, which relates to a development hardship;
3. Granting the special exception is not essential to the enjoyment of a substantial property right;
4. The proposed addition will be contrary to the public interest; and
5. The proposed plan does not meet the spirit and intent of the Zoning Ordinance.

Staff Analysis and Findings

20.52.060 General Standards and Considerations for Special Exceptions:

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 of the district were established.

Analysis: The subject property is located in the R-1-7000 zoning district, which restricts detached accessory building coverage to fifty-percent of the footprint of the principal structure. In this case, the allowable building coverage would be 574 square feet. The applicant is requesting a size of 720 square feet. The proposed garage exceeds the height limit by 146 square feet. The purpose of the coverage limits for accessory buildings is to keep them subordinate to the principal buildings.

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: The proposed garage would be new construction which would replace a smaller, older garage. It would not diminish or impair the value of the property.

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: The proposed garage would be the largest in coverage on the block face. Allowing the proposed garage would serve as a precedent for additional requests from area property owners to exceed the accessory building coverage limits. Subsequently, this would affect the character of the area that is predominantly one story garages that comply with the coverage limits. Whether this impact is considered material and adverse is unclear.

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: The proposed garage would be larger than any other garage on the block face. The majority of detached garages or accessory buildings along the block face complies or nearly complies with the coverage limit. This size is incompatible with the other detached garages on the block face and in the neighborhood.

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: No natural, scenic or historic features of significant importance are known to be on or adjacent to this proposed garage site.

F. 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: The proposed replacement garage would not cause any air, water, soil or noise pollution

G. Compliance with Any Additional Standards: The proposed use and development comply with all additional standards imposed on it pursuant to section 21A.52.100 of this chapter. (Ord. 26-95 § 2(26-5), 1995).

Analysis: Additional standards are not imposed by section 21A.52.100 for accessory buildings that exceed height limits.

ATTACHMENT 'A'
PROJECT DESCRIPTION

ATTACHMENT 'B'
SITE PLAN OF PROPERTY

ATTACHMENT 'C'
BUILDING SKETCHES

ATTACHMENT 'D'

VICINITY MAP

VICINITY MAP

1648 East Garfield

