

BOARD OF ADJUSTMENT STAFF REPORT

JACOBSEN GARAGE VARIANCE Petition # PLNBOA2008-00657 623 NORTH WALL STREET January 26, 2008



Planning and Zoning Division
Department of Community
Development

Applicant:

Roger M. Jacobsen

Staff:

Ray Milliner
ray.milliner@slcgov.com
(801)535-7645

Tax I.D.

08-36-228-008

Current Zone:

Special Development
Pattern Residential (SR-1A)

Master Plan:

Capitol Hill Master Plan

Council District:

Council District 3
Eric Jergensen

Lot Size

.08 acres

Current Use:

Single Family Residence

Applicable Regulations:

- 21A.38.070

Notice:

Sign Posted : 01-12-09
Mailed: 01-9-09

Attachments:

- Proposed Site Plan
- Elevations
- Minutes from
September 19, 2005
HLC Meeting

REQUEST

The applicant, Roger M. Jacobsen, is requesting a variance from the Board of Adjustment to reduce the side yard setback requirement from 10 feet to 1 foot. The request would enable the construction of a single car garage behind a historic home in the Capitol Hill Historic District.

STAFF RECOMMENDATION

Staff recommends that the Board of Adjustment review the proposed variance for a reduction in the side yard setback, conduct a public hearing and approve the request pursuant to the analysis, findings of fact and conditions of approval in this staff report.

Findings of Fact

1. The site is in the Special Development Pattern Residential (SR-1A) zone.
2. The purpose of the SR-1A zone is, "to maintain the unique character of older predominantly low density neighborhoods."
3. The applicant is proposing a garage that encroaches into the side yard setback.
4. The lot is shaped like a polygon.
5. The polygon shape is a hardship preventing construction of a garage located entirely in the rear yard setback.
6. The topography of the Capitol Hill area is a special circumstance where lot sizes and shapes are different.
7. The garage design was approved by the Historic Landmark Commission on June 7, 2007. The Commission forwarded a positive recommendation to the Board for the variance.

Conditions of Approval

1. Prior to the commencement of construction, the applicant shall receive all necessary City approvals.
2. The side yard setback for the garage is reduced from 10 feet to 1 foot on the south side of the lot.
3. No additional encroachments are allowed.

Vicinity Map



Property

Background

On October 14, 2008 Roger M. Jacobsen submitted a complete application for a variance to the side yard setback requirement for a single car garage adjacent to a historic home. The house is in the Capitol Hill Historic District, and is vacant. The applicant plans to renovate the home, and build the garage on the south west corner of the property.

Section 21A.36.020B of the Zoning Ordinance allows accessory buildings to encroach into the rear yard setback up to 1 foot from the property line, but not into the side yard setback. The front corner of the proposed garage encroaches into the side yard setback, violating the ordinance. Therefore, the applicant is requesting that the Board grant a variance for that area.

The vacant home has a 4 foot side yard setback on the north side and 12 feet on the south. Access is from Wall Street. All utilities and necessary services are readily available. All other Ordinance requirements including height, rear yard setback, and lot coverage are met.

On June 7, 2007 the Historic Landmark Commission reviewed and approved a Historic Design Guideline Review application for an addition to the rear of the home and for the garage. At the meeting, the encroachment was discussed, and the Commission made the following motion:

“The Historic Landmarks Commission forwards a positive recommendation the Board of Adjustment to approve a variance relating to building location of the detached garage in the side yard because the proposed design for the house is compatible with the area and fits in well to the layout of the property” (minutes from the meeting are attached as exhibit D).

Adjacent are single family homes on the north, south and west. The home on the south faces 600 North and is approximately 30 feet from the proposed garage site. The home on the west is approximately 40 feet away from the garage. This distance will significantly mitigate any negative impacts of the garage on adjacent properties.

Comments

At the date of this writing no public comments have been received.

Project Review

This project was reviewed by the Planning staff at its project review meeting on October 30, 2008. At that meeting the impacts of the garage on adjacent neighbors was discussed, and project compliance with applicable standards of review. It was determined that a positive recommendation would be appropriate for the project.

Analysis

The standards required for granting a variance are set forth in Utah Code 10-9-707 and Salt Lake City Code 21A.18.060. If the Board finds that these criteria are met, then it may grant the variance to reduce the required side yard setback to accommodate the proposed garage.

Standard 1: Does literal enforcement of the Zoning Ordinance cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the Zoning Ordinance?

Section 21A.18.060B provides direction to the Board of Adjustment in determining an unreasonable hardship. Section 21A.18.060B(1) states:

The alleged hardship is related to the size, shape or topography of the property for which the variance is sought:

Analysis: The hardship for which the variance is sought is related to the narrow polygon shaped lot. This shape creates a circumstance that makes it difficult to build the garage on the property and keep the structure entirely out of the side yard setback. In order to keep the building entirely within the rear setback, the garage would need to have a polygon shaped footprint. Moving the garage toward the middle of the lot outside of the side yard setback is not possible because the lot is too narrow.

Section 21A.18.060B(2) states:

The alleged hardship comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood:

Analysis: The Capitol Hill area is unique in that there is no uniform configuration of the surrounding lots and properties each lot is unique. The polygon configuration is a peculiar circumstance that limits applicant options for redesign and modifications to the garage. If the applicant removed the encroaching corner, the garage would be too small to accommodate an automobile. If the applicant moved the garage to the side, or rotated it, there would be no access because the existing home would be in the way.

Standard 2: Are there special circumstances attached to the property that do not generally apply to other properties in the same district?

Section 21A.18.060D provides direction to the Board of Adjustment in determining whether or not there are special circumstances attached to the property. Section 21A.18.060D(1) states:

The special circumstances relate to the alleged hardship.

Analysis: The special circumstances attached to the property are the unique shape of the lot combined with the narrowness of the property, and the inability of the applicant to build the garage, while keeping it out side of the minimum side yard setback.

Section 21A.18.060D(2) states:

The special circumstances deprive the property of privileges granted to other properties in the same zoning district.

Analysis: Because of the polygon shape of the lot, the applicant would be denied the privilege of having a garage on his property. Other properties in the area have garages of a similar size, shape and location.

Standard 3: Is granting the variance essential to the enjoyment of a substantial property right possessed by other properties in the same district?

Analysis: Staff has conducted an informal survey of the surrounding area, and found that a majority of the homes have an on site garage. Many of these garages are non-complying structures with varying degrees of compliance with the Zoning Ordinance.

Standard 4: Will the variance substantially affect the general plan or be contrary to the public interest?

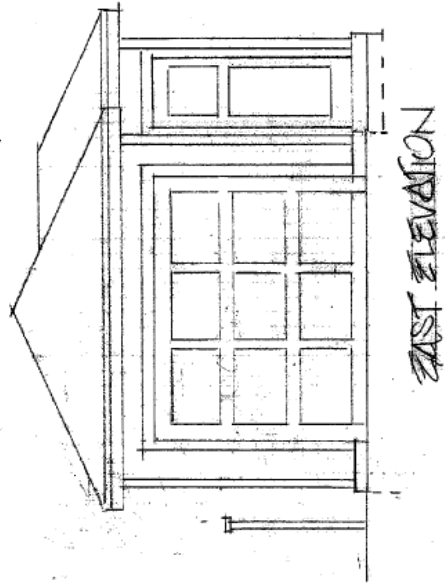
Analysis: The variance would allow the applicant to build a garage that encroaches into the site yard setback. There is no evidence that this will substantially affect the general plan. The garage was reviewed by the Historic Landmark Commission for compliance with the Capitol Hill Design Guidelines and found that it meets them. At the time of this writing, staff has received no input from adjacent property owners indicating the project is contrary to public interest.

Standard 5: Is the spirit of the Zoning Ordinance observed and substantial justice done?

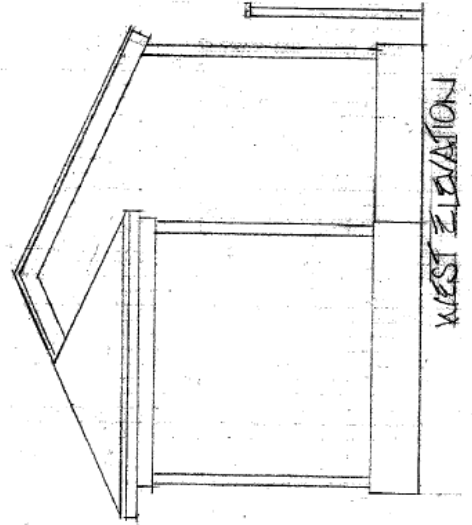
Section 21A.24.150 of the SLC Zoning Ordinance states that one of the purposes of the SR-1A zone is to maintain the unique character of older predominantly low density neighborhoods that display a variety of yards, lot sizes and bulk characteristics. Staff finds that granting the variance would be consistent with the purpose of the SR-1A zone because the building has been found to be compatible with the character and design of the surrounding neighborhood by the Historic Landmark Commission. Further, the building has been reviewed by staff for compliance with all other applicable Zoning Ordinance standards and found that it meets the height, footprint, and lot coverage standards.

EXHIBIT A: SITE PLAN

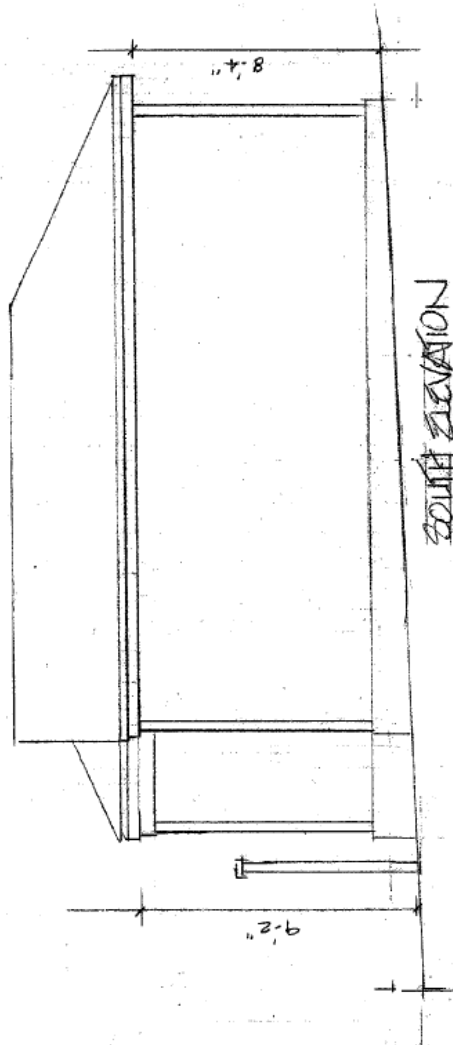
EXHIBIT B: ELEVATIONS



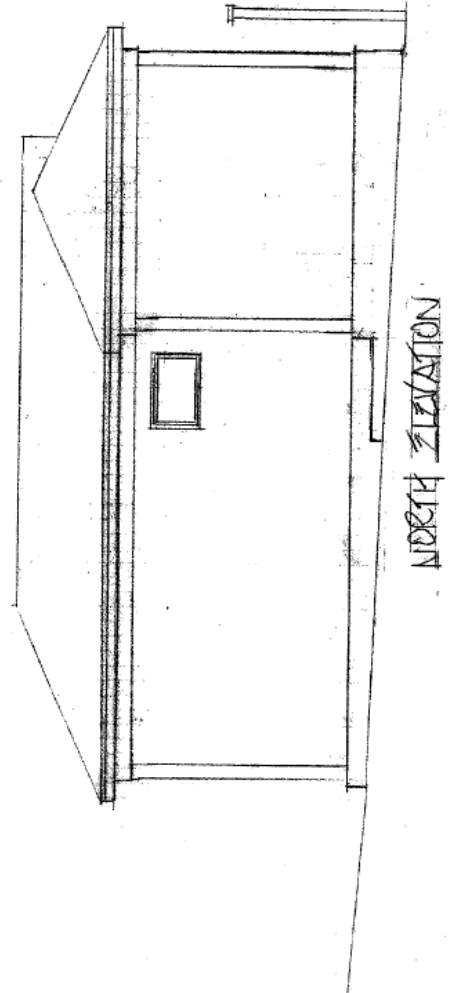
EAST ELEVATION



WEST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION

EXHIBIT C: HLC MINUTES

Mr. Stewart introduced the proposal in detail which is outlined in the staff report filed with these minutes. The applicant proposes two construction projects: an addition to the rear of the dwelling and a detached garage. The proposed addition consists of a basement portion (play room, bedroom, storage closet) and a ground level portion (master bedroom, bathroom, closet). The existing dwelling has two bedrooms, laundry, and bath in basement; and living room, den, kitchen on main level. The proposed plans are for the hip roof to match the existing roof. The exterior will include three finishes: troweled plaster, painted brick, and painted concrete foundation.

The proposed detached garage will be architecturally compatible with the dwelling and will have an exterior finish of troweled plaster. The garage will be a single car garage and will be located in the rear yard.

The proposal complies with all of the standards and guidelines and fits within the context of the neighborhood. Based upon the comments, analysis and findings of fact noted above, Planning Staff recommends the Historic Landmark Commission approve the application requesting approval to construct an addition to the rear of the existing single-family residence and construct a new single-car detached garage at approximately 623 North Wall St, subject to the following conditions:

1. The exterior finish of the detached garage shall not include wood imitation material.
2. Approval of the final details of the design shall be delegated to the Planning Staff based upon direction given during the hearing from the Historic Landmark Commission.
3. The project must meet all other applicable City requirements, unless otherwise modified within the authority of the Historic Landmark Commission, Administrative Hearing Officer, or Board of Adjustment.
4. The Historic Landmark Commission forwards a positive recommendation to the Board of Adjustment to approve a variance relating to building location of the detached garage in the side yard because the proposed design of the house is compatible with the area and fits in well to the layout of the property.

The applicant was invited to approach the Commission to add comments to the presentation and to answer any questions that the Commission might have. Roger Jacobson, the property owner stated that as the property now stands there are two runners that lead to the rear of the property, but no garage exists. Currently there is a small accessory shed in the rear of the yard.

In response to a question posed by Chairperson Fitzsimmons, the applicant acknowledged that there was an abrupt drop off at the rear of the property line and denied that it would have a negative impact on the proposed garage structure.

Public Hearing

Seeing that no member of the public expressed the desire to speak, the Chairperson closed the public comment section of the hearing and moved onto Executive Session.

Motion

In regards to Case No. 470-07-16 Commissioner Lloyd moved that the HLC accept the Staff recommendation to approve the additions as indicated on the drawings with the condition that garage materials shall not include wood imitation materials. Approval of final details of design are delegated to staff. The project is to meet all City requirements. The Historic Landmark Commission would forward a positive recommendation to the Board of Adjustment to approve a variance to build the attached garage.

Seconded by Commissioner Heid.

All voted "Aye", the motion passed unanimously.