

ITEM # 3 Jason Andersen requests approval of a Variance to the rear yard setback regulation of Section 14.10.080, Provo City Code, from twenty (20) feet to twelve (12) feet in order to add living space to his home in the R1.10 (One Family Residential) zone, located at 1330 North 1160 West. Grandview South Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLVAR20220184

<p>Applicant: Jason Andersen</p> <p>Staff Coordinator: Aaron Ardmore</p> <p>Property Owner: Andersen, Jason R & Amanda G</p> <p>Address: 1330 N 1160 W</p> <p>Parcel ID#: 43:017:0007</p> <p>Current Zone: R1.10</p> <p>Acreage: 0.17</p> <p>Number of Lots: 1</p> <p><u>ALTERNATIVE ACTIONS</u></p> <ol style="list-style-type: none"> Approve the requested Variance. This action would not be consistent with the recommendations of the Staff Report. The Board of Adjustment should state new findings. Continue to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is July 21st at 5:00 p.m.</i> 	<p>Current Legal Use: The current legal use on the property is a detached, single-family residence.</p> <p>Relevant History: The applicant came into the Development Services office in May to investigate what could be done on the home to provide more living space. It was shared with staff that some repair work is having to be done on the back of the home and it has provided the opportunity to add to the home. Due to the limits of the rear yard setback of the R1.10 zone and inability to get more land from the adjacent property, the owners decided to file for a variance request.</p> <p>Neighborhood Issues: Staff has not heard from any neighborhood residents at the time of this report.</p> <p>Summary of Key Issues:</p> <ul style="list-style-type: none"> Section 14.10.080(1)(c) describes the minimum rear yard setback standards for a primary building of twenty (20) feet. The applicant desires to add more living space that would bring the rear wall of the building to within twelve (12) feet of the rear property line. Staff did not find that the request met all the criteria of Subsection 14.05.030(9), Provo City Code to grant a variance. <p>Staff Recommendation: Staff recommends that the Board of Adjustment deny the requested variance.</p>
--	---

OVERVIEW

Jason and Amanda Andersen are requesting a variance to the rear yard setback at 1330 North 1160 West in order to make an addition to their home to provide for more living space. The Andersen's have identified the space that they would need in the home to make this addition work, which would result in the rear (east) wall of the home to be twelve (12) feet from the rear property (fence) line.

While Provo City Code Subsection 14.10.080(1)(c) does allow for an exception of one-hundred (100) square feet of building to be as close as fifteen (15) feet from the rear property line, the proposed addition would be a 720 square foot addition with its' closest point being twelve (12) feet away, but ranging up to fifteen (15) feet away at the north end due to the angle of the home on the lot.

FINDINGS OF FACT

1. The property is in the R1.10 zone.
2. The minimum rear yard setback in the R1.10 zone is twenty (20) feet for a primary building (14.10.080, Provo City Code).
3. The proposed addition is fifteen (15) feet deep and would be twelve (12) feet away from the rear property line at its' closest point.

STAFF ANALYSIS

Subsection 14.05.030(9) describes the criteria for which a variance may be granted:

- (a) Any person or entity desiring a waiver or modification of the requirements of this Title as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the Board of Adjustment for a variance from the terms of this Title.

(Staff responses in bold)

- (b) The Board of Adjustment may grant a variance only if:
 - (i) Literal enforcement of this Title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this Title;
Literal enforcement would not cause unreasonable hardship for the applicant. While more living space is desirous and understandable, the existing home meets the standards for a single-family home.
 - (ii) There are special circumstances attached to the property that do not generally apply to other properties in the same district;
While this property is smaller and not as deep as others in the Grandview South neighborhood, there are several comparable lots along 1160 West and in the original Plat A of the Grand Pro-View

Acres subdivision. The subject property contains 7,405 square feet and yet is in a R1.10 zone where 10,000 square feet is the minimum lot size.

- (iii) Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;
The substantial property right addressed in this request is a livable single-family home which is possessed on this property and comparable in size to others in the same district.
- (iv) The variance will not substantially affect the general plan and will not be contrary to the public interest; and
If the variance were given it would not substantially affect the General Plan, nor would it be contrary to the public interest. The home that shares the rear property line is over 130 feet away.
- (v) The spirit of this Title is observed and substantial justice done.
Staff feels that the spirit of the Title could still be observed if the variance is given.

APPLICABLE ZONING CODES

1. *14.10.080. Yard Requirements.*
(1)(c) Rear Yard. Twenty (20) feet, except that up to one hundred (100) square feet of the primary building may extend an additional five (5) feet toward the rear property line on lots with an average depth of one hundred thirteen (113) feet or less, so long as the extension is not more than one (1) story or fifteen (15) feet in height.

CONCLUSIONS

While staff understands and appreciates the desire to expand and stay in a home, when evaluating the request against the variance criteria above it was not sufficiently demonstrated that all of the required criteria were met.

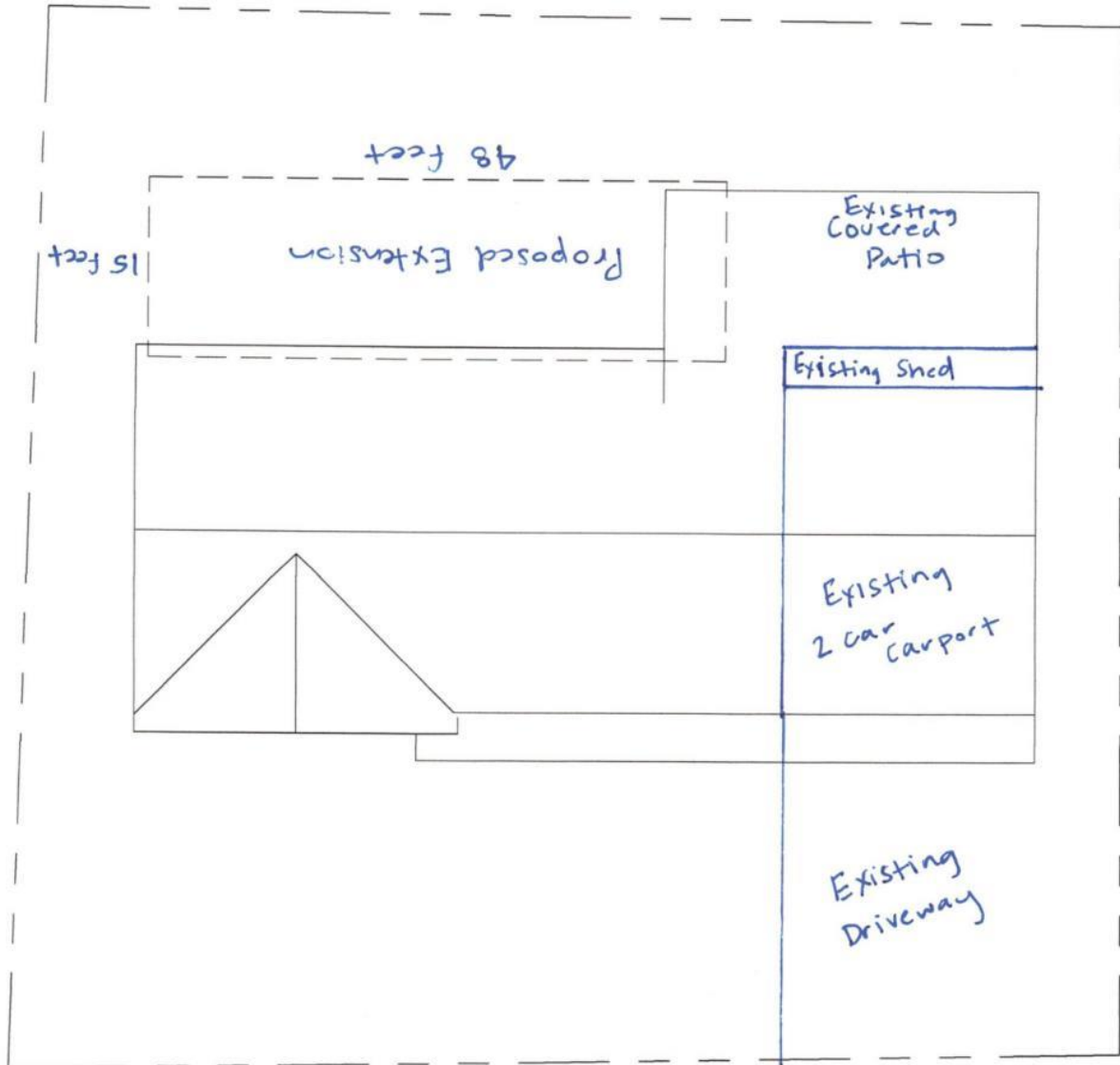
ATTACHMENTS

1. Property Aerial
2. Proposed Site Plan
3. Property Photos
4. Applicant Justification

ATTACHMENT 1 – PROPERTY AERIAL



ATTACHMENT 2 – PROPOSED SITE PLAN



1160 West

ATTACHMENT 3 – PROPERTY PHOTOS







ATTACHMENT 4 – APPLICANT JUSTIFICATION

1-Current use of buildings: Our Family Home

2-Proposed use of add-on: Extending Kitchen and Master Bed/Bath. Bringing the house to current living standards since the home is over 50 years old and is in dire need of improvement.

Our home was built in 1963 and hasn't had many repairs done. We purchased the home in 2016 and have loved living and being involved in the community. We have found ourselves in need of more living space and it would be a financial hardship for our family to try to move during the current housing market. It would also be an emotional hardship for our children to have to be uprooted from the neighborhood and public schools they have loved. Instead of moving to a newer and slightly bigger house, we plan to repair, extend, and update our existing house.

We feel we have a few special circumstances due to some urgent repairs that need to help bring the home up to current living standards. The east wall where we are proposing an extension has a water leak that is causing damage. We have already had to replace a wall in a bedroom but the leak seems to persist and we need to open the wall regardless to fix the piping issues due to the home being built in 1963 and having original plumbing. The east side of the home also has windows and a patio door that are not energy efficient and lack proper insulation. The HVAC system also needs to be updated/replaced to be more energy efficient. The master bath which is also on the east wall, grows mold consistently despite cleaning efforts and we know we need to update this plumbing and ventilation issues as well. There is no current ventiliation in the bathroom as the home was built in 1963 and needs to be updated.

Granting the variance is essential to our family being able to enjoy this house, and retire in the community. We would love for our children's children to be able to enjoy Provo as we have.

With our rear property line bordering a .4 acre lot, with approximately 157 feet between the existing buildings, we feel like our neighborhood would not be impacted by granting us an 8 foot variance. Our family currently does not use our backyard often, as we enjoy being in our bigger front yard with a beautiful shade tree visiting with our neighbors.