

ITEM # 1 Gaye Lee Page requests a Variance from Section 14.10.080(1), Front Yard Requirement, from twenty feet (20') to fifteen feet (15') in order to construct a new garage in the R1.8 (One Family Residential) Zone, located at 1425 East 330 South. Provost Neighborhood. Nancy Robison (801) 852-6417 nrobison@provo.org PLVAR20230105

<p>Applicant: Gaye Lee Page</p> <p>Staff Coordinator: Nancy Robison</p> <p>Property Owner: PAGE, GAYE LEE (ET AL)</p> <p>Parcel ID#: 35:030:0005</p> <p>Current Zone: R18</p> <p>Acreage: 0.18</p> <p>Number of Properties: 1</p> <p>Number of Lots: 1</p> <p><u>ALTERNATIVE ACTIONS</u></p> <ol style="list-style-type: none"> 1. <u>Approve</u> the requested variance This action would not be consistent with the recommendations of the Staff Report. The Board of Adjustment should state new findings. 2. <u>Continue</u> to a future date to obtain additional information or to further consider information presented. The next available meeting date is July 17, 2023, at 5:00 p.m. 	<p>Current Legal Use: Single-family residential home in the R1.8 zone</p> <p>Relevant History: Single-Family Home built in 1965.</p> <p>Neighborhood Issues: Staff has not heard from anyone in the neighborhood with issues about this request at this time.</p> <p>Summary of Key Issues:</p> <ul style="list-style-type: none"> • Section 14.10.080(1)(b) describes the minimum front yard setback standards for a garage of twenty (20) feet. • The applicant desires to add more living space that would bring the garage forward to within fifteen (15) feet of the front 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 with the finding contained in this staff report.</p>
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OVERVIEW

Gaye Lee Page is requesting a variance to the front yard setback at 1445 East 330 South from twenty (20) feet to fifteen (15) feet in order to add an addition to her home to provide for more living space. Mrs. Page has expressed that to build this addition it would require a portion of the existing garage to be converted into living space and the new garage be extended out into the current setback.

FINDINGS OF FACT

1. The property is in the R1.8 zone.
2. The minimum front yard setback in the R1.8 zone for garages is twenty (20) feet (14.10.080(1)(b), Provo City Code).
3. The proposed addition would add approximately 170 sq. feet to the home.

STAFF ANALYSIS

Section 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 of this Title would not cause unreasonable hardship for the applicant. While more living space is desirable and understandable, the existing home meets the standards for a single-family home. Denial of the request would not constitute an unreasonable hardship.

- (ii) There are special circumstances attached to the property that do not generally apply to other properties in the same district;

The surrounding properties share similar shape and topography as the subject property, so there are no special circumstances.

- (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 for this neighborhood is a single-family home on a single-family lot. Other properties in the neighborhood have the required front yard setback.

- (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.

- (v) The spirit of this Title is observed and substantial justice done.

One reason for a 20' front setback is that cars parked in the driveway will not overhang the sidewalk. The home has only a one-car garage which will likely increase the need for parking on the driveway. Staff feels this request would be inconsistent with the spirit of the Title.

APPLICABLE ZONING CODES

1. 14.10.080 Yard Requirements for single-family dwelling

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 the required criteria were met.

JUDICIAL APPEAL OF BOARD OF ADJUSTMENT ACTION

Chapter 14.05 provides a process for appeal of a determination by the Board of Adjustment (quoted in part):

04.05.050. Judicial Appeal.

- (i) Any person aggrieved by or affected by any decision of the Board of Adjustment may have and maintain a plenary action for relief from the District Court of competent jurisdiction, provided petition for such relief is presented to the court within thirty (30) days after the filing of such decision in the office of the Board of Adjustment or with the City Recorder

ATTACHMENTS

1. Map of Property
2. Photos of the Property
3. Existing Floor Plan
4. Proposed Floor Plan
5. Applicants Documentation

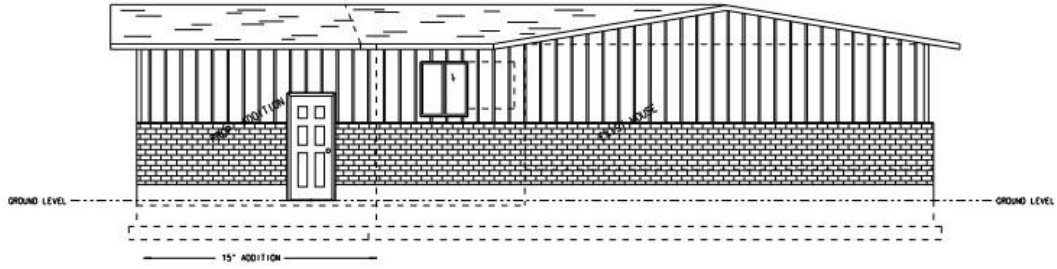
ATTACHMENT 1 - Map of Property



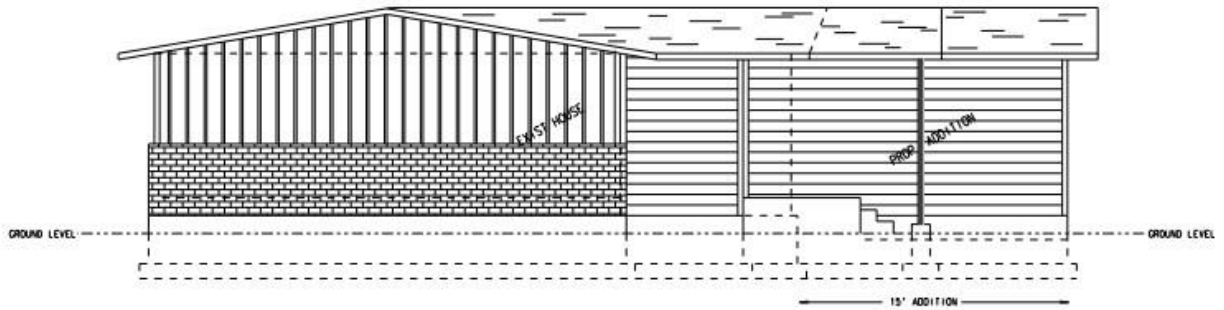
ATTACHMENT 2 – Photos of property



FRONT ELEVATION

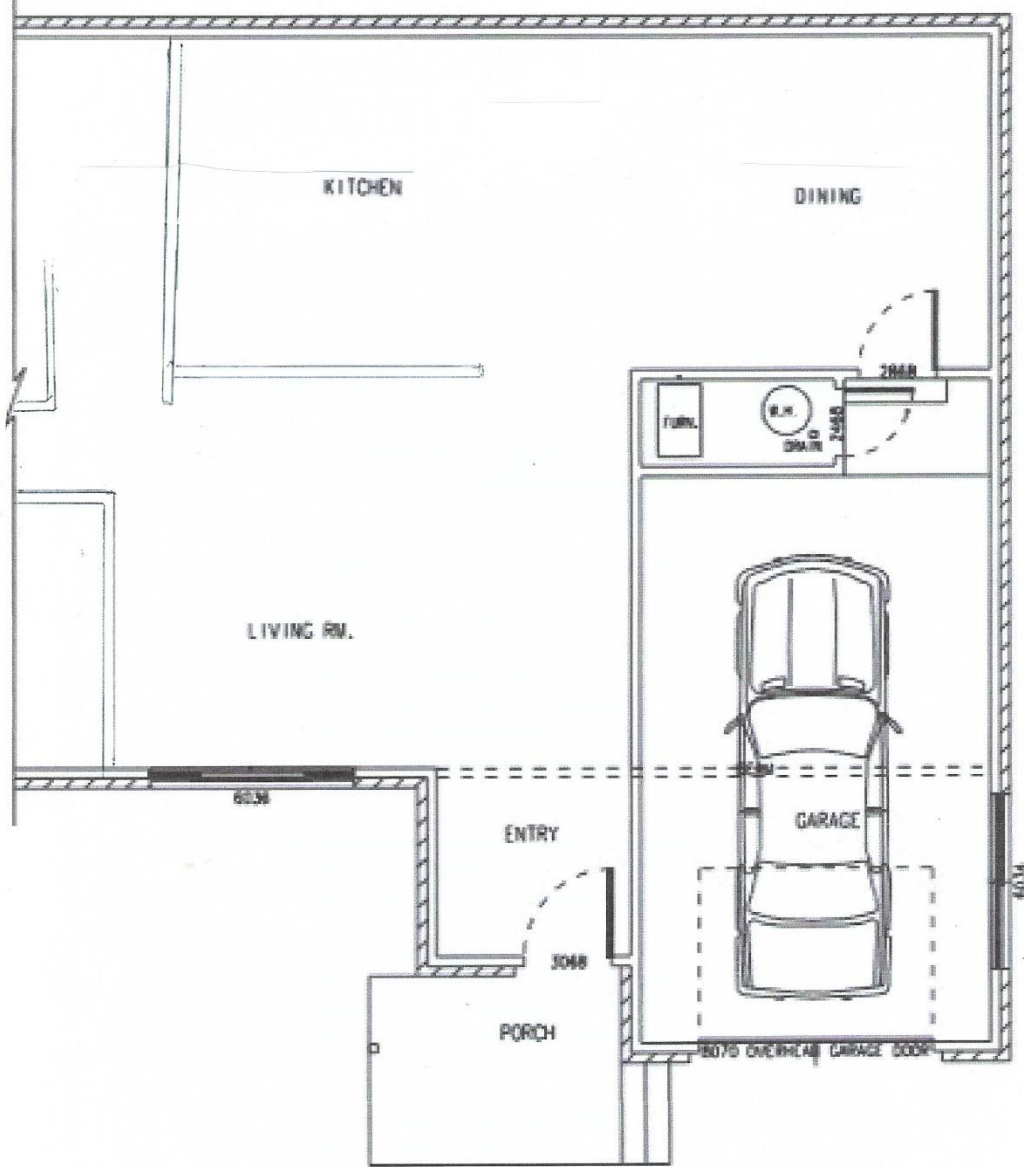


RIGHT ELEVATION



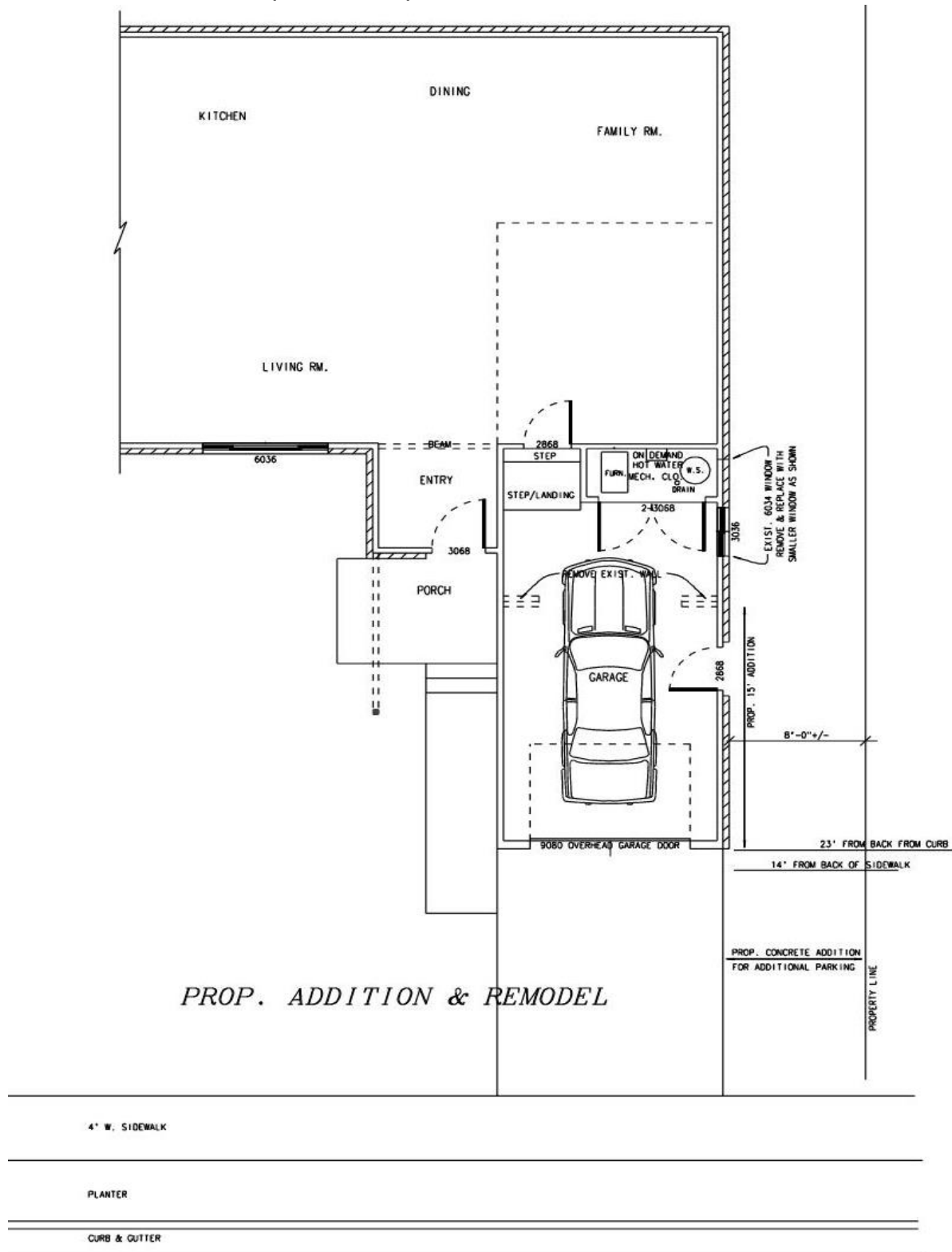
LEFT ELEVATION

ATTACHMENT 3 – Existing floor plan



EXIST. MAIN FLOOR

ATTACHMENT 4 – Proposed floor plan



ATTACHMENT 5 – Documentation submitted by applicant

Respectfully requesting a code variance for front garage setback, from 20' to 15'.
I do not know where to find the city code, unless it is Chapter 14.05.030 (9)

Criteria Justification

- (i) The garage cuts into the home, effectively cutting off the small kitchen/dining area from the living room/rest of the home. I need to extend the garage south, so all three areas can be utilized at the same time.
- (ii) This house is the only one on the street without a basement, and my options are few. I understand that the others all have a family room option downstairs. Extending out the north side is not an option, as the ground drops off.
- (iii) There is a need for this, since my husband has passed away, and I need to keep my children connected with each other.
- (iv) The neighbor to the east is very much in favor of this proposal. Making this change will add value and usability to my home for many generations of future occupants.
- (v) In addition, I plan to add roughly 25' additional parking to the east side of the extended garage.

As a bonus, we have ascertained that the two offending walls are not weight-bearing, and will not affect the stability of the home.

Please reach out if there is something I have not covered here.
Thank you for your consideration.

Gaye, Lee Page
[REDACTED]