

ITEM # 1 Shane Tongish requests a Variance to Section 14.10.080 (Yard Requirements) in the R1.6 (One Family Residential) Zone, to reduce the side yard from the required ten feet (10') to zero feet (0') in order to add a carport to the south side of the home, located at 110 North 1810 West. Fort Utah Neighborhood. Nancy Robison (801) 852-6417 nrobison@provo.org PLVAR20240276

<p>Applicant: Shane Tongish</p> <p>Staff Coordinator: Nancy Robison</p> <p>Property Owner: TONGISH, SHANE DANIEL & TRISTEN BROOKE,</p> <p>Address: 110 N 1810 W</p> <p>Parcel ID#: 55:027:0054</p> <p>Current Zone: R1.6</p> <p>Acreage: 0.13</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"> Deny 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. The next available meeting date is December 16th, 2024. 	<p>Current Legal Use: The current legal use of the property is a single-family residence</p> <p>Relevant History: The subdivision for this neighborhood was created in 1942, and the lots were sixty feet wide. This home was built in 1942.</p> <p>Neighborhood Issues: No neighborhood issues have been brought up at the time of writing this report.</p> <p>Summary of Key Issues:</p> <ul style="list-style-type: none"> The applicant is requesting a variance for the side setback from the required ten feet (10') to zero feet (0') to build a carport. There have been approximately nine variances given to other homeowners in this neighborhood to reduce the side yard setback in order to build carports. The findings of the staff indicate that the criteria for a variance to decrease the side yard setback for a carport have been met. <p>Staff Recommendation: Staff recommends that the Board of Adjustment approve the requested variance to reduce the side yard setback</p>
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OVERVIEW

The applicant seeks a variance to reduce the side yard setback from the standard ten feet (10') to zero feet (0') for the construction of a carport on their property, located within the R1.6 Single-Family Residential Zone. This neighborhood has previously granted approximately nine similar variances to other homeowners to reduce side yard setbacks for carports.

This history of variances reflects an established precedent within the area, indicating neighborhood acceptance of reduced setbacks for open carport structures, as opposed to enclosed garages, which is based on the consistent approval history in the area, the open structure's minimal impact, and the potential community benefits.

FINDINGS OF FACT

1. The property is located in the R1.6 zone (Single-Family Residential)
2. The applicant is requesting the side yard setback be reduced from ten (10') feet to zero (0') feet to build a carport.
3. There have been nine variances given in this neighborhood for other properties to do the same.
4. The applicant is asking to build a carport which is significantly different than a garage because the structure is open on three sides.

STAFF ANALYSIS

Section 14.05.030(9) describes the criteria for which a Variance may be granted:

1. 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.

2. 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 in that the property may continue use as a single-family home. However, denying the variance would deprive the homeowner of covered parking, which is required by city code, and which most homes in the neighborhood enjoy. No covered parking reduces the value of the home and it's resale potential. In determining whether enforcement of this Title would cause unreasonable hardship as outlined under Subsection**

(9)(b) of this Section, the Board of Adjustment may not find an unreasonable hardship if the hardship is self- imposed or economic.

- (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.

- (iii) Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;

Granting the variance is essential to the enjoyment of a substantial property right that is possessed by other property in the same district. There have been nine variances given over the years to neighboring property owners. Therefore, they should have the same variance available to them.

- (iv) The variance will not substantially affect the general plan and will not be contrary to the public interest; and

This variance would not substantially affect the general plan and would not be contrary to public interest.

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

Staff feels that the hardship in this case was created by outdated subdivision standards and the lack of space necessary to create covered off street parking in this area.

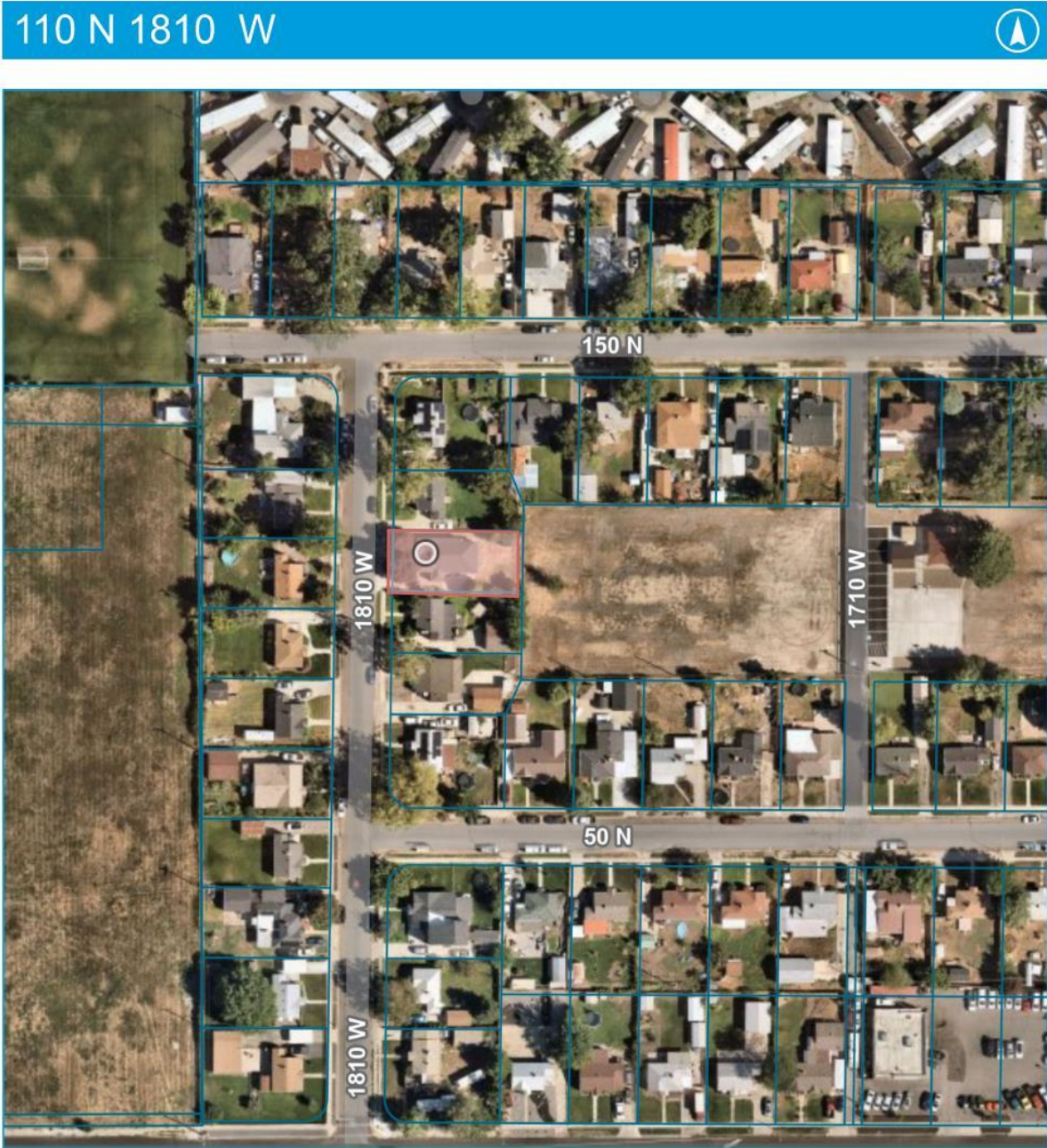
CONCLUSIONS

Staff recommends the Board of Adjustment grants approval of the variance for the side yard setback from ten feet (10') to zero feet (0') to build a carport, due to the same right that has been granted to other homeowners in the neighborhood.

ATTACHMENTS

1. Site Map
2. Location of other variances granted

ATTACHMENT 1 - SITE MAP



ATTACHMENT 2 - MAP OF OTHER VARIANCES GRANTED

