

1. Hearing Notice (PDF)

Notice is hereby given that the Land Use Hearing Officer will hold one hearing at approx. 2:00 p.m. on Thursday, July 28, 2022: 1) LUHO-22-017, Peter Souvall is requesting a building special exception for a garage from the terms of the current R-1 Zoning Ordinance. Members of the public seeking to comment on the application must follow the Interventions and Proceedings process in Millcreek Code 19.92.030. For more information on the hearing, please visit <https://millcreek.us/agendacenter> or call 801-214-2700. In compliance with the Americans with Disabilities Act, individuals needing special accommodation during the hearing should notify the ADA Coordinator at khansen@millcreek.us or 801-214-2751 two days in advance.

Documents:

[LUHO-22-017 STAFF REPORT.PDF](#)

3330 S 1300 E
Millcreek UT
84106
801-214-2700

File # LUHO-22-017

Land Use Hearing Officer Summary and Recommendation

Request Type: Special exception from the setback terms of the current R-1 zoning Ordinance.

Parcel ID: 1632207015

Property Address: 1134 E Lorraine Dr

Current Zone: R-1-8

Applicant Name: Peter Souvall

Planner: Carlos Estudillo

PROJECT DESCRIPTION

- Applicant is requesting a Special Exception from the terms of the current R-1 Zoning Ordinance. Applicant would like to finish the current construction of their garage, that is under a “stop work order” for violating the current requirements on Accessory structures (19.14) of the Millcreek Code.
- The current structure is non-conforming due to the current side setbacks.
- Any addition in a non-conforming lot requires approval from a Land Use Hearing Officer as per Chapter 19.88.070.
- The garage currently sits as close as eleven inches to the west side property line. The Millcreek code requires a side yard setback of at least 30 inches.
- The existing garage does not conform to the Millcreek code in the R-1-8 zone. While this lot was previously zoned under the R-1-8 zone under Salt Lake County, the property was built in 1942, and presumably rebuilt in 1999.
- The proposed additions/expansions will not affect the non-compliant setback, as the structure will remain on the same footprint of the stopped structure.
- The garage is proposed to be 12’ in height to its ridge, 16’ in width, 20’ in height and 320 square feet.
- This property also falls under the RCOZ (Residential Compatibility Overlay Zone) and will need to abide by the requirements of this zone.

LETTER OF INTENT

To Whom it May Concern,

I am writing to provide a letter of intent on behalf of myself for the structure that received a stop work order. The address listed above is the location of the work order as well. The structure itself was in existence prior to my purchase of the home. The previous owner had left said structure in a state unfit for use. Though it is my understanding that the structure itself is currently considered in violation of the current zoning laws of Millcreek. My intention is to show that this structure is grandfathered in to a code exception.

I was not aware of the violation before I began work on the structure. The company I worked with did not inform me of the need to file for a permit to build. My only intent was to create a car port in order to shield our vehicles and other outdoor items from the elements. In reviewing this application, my hope is to receive permission to continue work on the structure under the condition that it only be used as a shelter for vehicles and storage. I will resume building the roof only, and secure said roof with shingles and siding. The structure itself is sound. But it is my hope that we may keep the structure to improve upon our home. There is no other intended use aside from car and item storage. There will be no addition of doors, rooms, etc. I appeal to you for permission to finish as I believe the structure was grandfathered in as an exception to the zoning violation.

Thank you for your time.

Peter Souvall

SITE AND VICINITY DESCRIPTION

The subject property is located at 1134 E Lorraine Dr and lies in an area which is primarily single-family dwellings zoned R-1-8 and R-1-4.

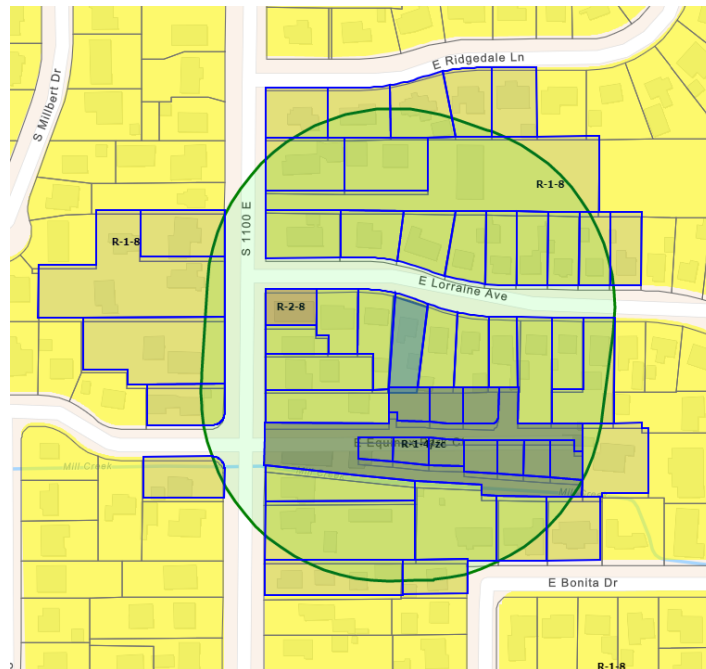


Figure 1 (Zoning Map)

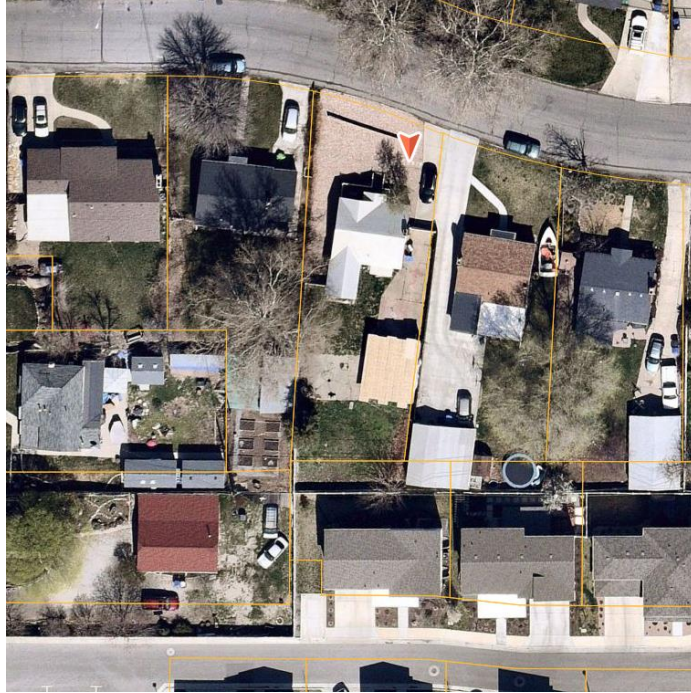


Figure 2 (Aerial photo of site)

The front yard setback will be unaffected by the presented modification of the property and will remain sitting at the required twenty-five feet. The current side yard setback (facing east) measures to be eleven inches, instead of the required thirty inches; The side yard setback (Facing west) will be sitting further than the required eight feet, by providing a 21 feet setback; The Rear Setback (Facing North) will measure to be twenty-four feet. Finally, the garage will be located further than the six required feet by the Millcreek code, from the main residence.

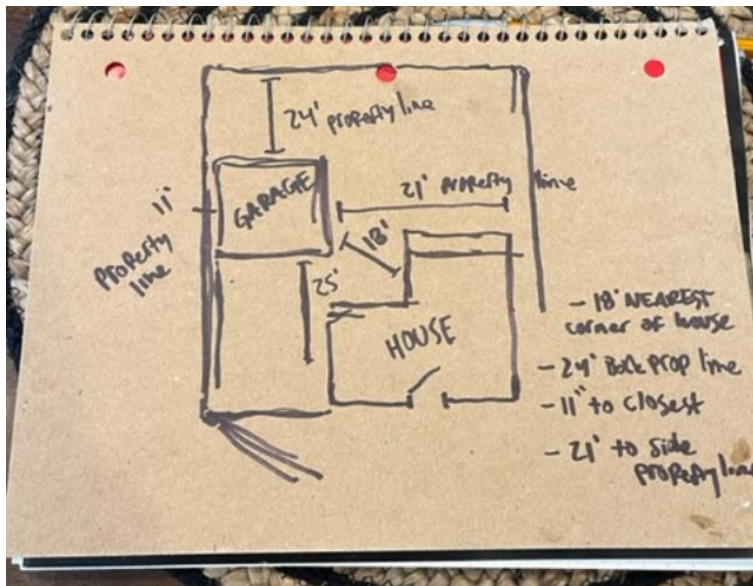


Figure 3 (Existing and Proposed site close up)

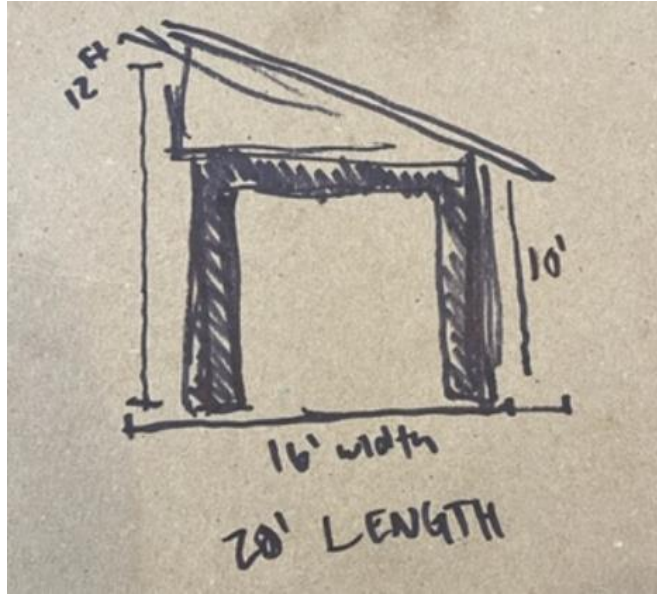


Figure 4 (proposed elevations)

Additionally, the garage would peak at twelve feet, to its ridge. The required maximum height is of fourteen feet; Therefore, the garage would be compliant with the city's ordinance on accessory structures. The length of the garage will be twenty feet, while the width of the garage will be of sixteen feet, totaling the amount of 320 square feet of area.

The proposed additions will not affect the non-compliant setback and will remain under the required thirty inches. The footprint of the current structure will not be affected by the proposed addition.



Figure 5 (Existing home)

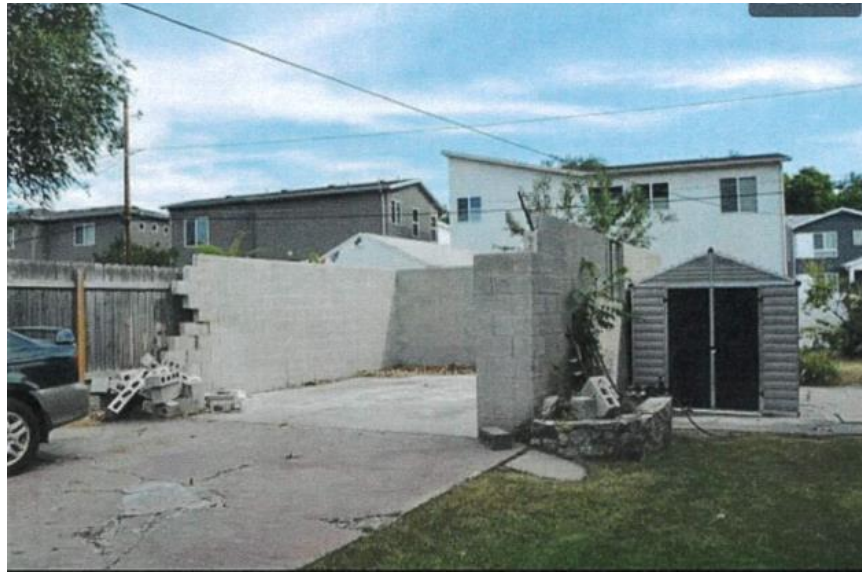


Figure 6 (Existing garage structure)

Applicant is requesting a special exception to continue the construction of a garage with a stop work order, that will be complaint to the Millcreek Residential code, for the exception of one setback (east side) as the structure was already there but needed to be stopped due to not having the building permit to construct it.

PLANNING STAFF ANALYSIS

19.88.060 Expansion Of Use Permitted

A nonconforming use may be extended to include the entire floor area of the existing building in which it is conducted at the time the use became nonconforming.

19.88.070 Additions, Enlargements, Moving and Reconstruction Of A Structure

1. A noncomplying structure or building occupied by a nonconforming use shall not be added to or enlarged in any manner or moved to another location on the lot or reconstructed at another location on the lot except as provided by subsection B of this section unless such additions and enlargements comply with the regulations and intent of this title.
2. A building occupied by a nonconforming use, or a noncomplying structure may be added to or enlarged or moved to a new location on the lot or reconstructed at a new location on the lot upon a permit authorized by the land use hearing officer, provided that the land use hearing officer shall find:
 1. The addition to, enlargement of, moving of, or reconstruction of the structure at a new location on the lot is in harmony with one or more of the purposes of this title as stated in MKZ 19.02.020, and is in keeping with the intent of this title.
 2. The addition to, enlargement of, moving of, or reconstruction of the structure at a new location of the lot is compatible with existing development within a reasonable distance in terms of height, mass and applicable building envelope requirements, and lot coverage; and

3. The addition to, enlargement of, moving of, or reconstruction of the structure at a new location of the lot will not be detrimental to the health, safety and general welfare of persons residing within a reasonable distance of the subject property.
4. That the proposed change does not impose any unreasonable burden upon the lands located in the vicinity of the nonconforming use or structure.
3. The Land Use Hearing Officer may impose conditions and limitations upon issuance of a permit for an addition to, enlargement of, moving of, or reconstruction of a structure as necessary to prevent or mitigate adverse effects on other properties in the neighborhood of the subject property, consistent with the standards of this Title.

19.92.060 Special Exceptions

The land use hearing officer may approve any of the following special exceptions to the zoning ordinance where he or she determines the exception is consistent with the purposes of the zoning ordinance and will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity:

1. Where a zone boundary line divides a lot in single ownership at the time of the passage of the ordinance codified in this title, the land use hearing officer may permit a use authorized on either portion of such lot to extend not more than fifty feet into the other portion of the lot.
2. The land use hearing officer may permit the enlargement of or addition to a noncomplying structure or a building or structure occupied by a nonconforming use.
3. The land use hearing officer may permit the relocation on a lot of a noncomplying structure, or a building or structure occupied by a nonconforming use; or the hearing officer may permit the reconstruction on a lot of a noncomplying structure, or a building occupied by a nonconforming use.

PLANNING STAFF RECOMMENDATION

- The proposed additions will not affect the non-compliant setback.
- The proposed plan would lift a work stop order
- Planning staff is recommending approval as non-complying structures are subjected to chapter **19.88.060, 19.88.070, 19.92.060**. Proposed garage will meet lot coverage as required by Chapter [19.14](#) and [19.71](#) and will keep a single-family property which will support the purpose of the R-1 zone ([Chapter 19.14](#)) “Persons who reside therein a comfortable, health, safe and pleasant environment.”

If approved, staff recommends the following conditions:

- Building Permit must comply with [19,14 Single Family Residential](#) and [19,71 RCOZ Residential Compatibility Overlay Zone](#)

Attached Documents:

- **Applicant Letter of Intent**
- **Examples of current property**
- **Site Plan with proposed setbacks**