

1. Land Use Hearings (PDF)

Notice is hereby given that the Land Use Hearing Officer will hold three hearings at approx. 2 p.m. on Thursday, July 30, 2020, at City Hall, 3330 S. 1300 E., Millcreek, Utah:

1) LUHO-20-008, Deb Harris is requesting to enclose an open patio located in the front yard of the house at 2272 E. 3380 S.; 2) LUHO-20-009, Chelsea Weidmann would like to demolish and re-construct a detached two-car garage located on the west property line of the lot at 2572 E. 3210 S.; and 3) LUHO-20-010, Helen Sullivan is requesting to add additional height to the non-conforming garage on her lot. Pursuant to Emergency Directive, and in keeping with social distancing strategies, members of the public seeking to comment on these applications are encouraged to provide comment electronically according to 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 hearings should notify the ADA Coordinator at khansen@millcreek.us or 801-214-2751 two days in advance.

Documents:

[LUHO STAFF REPORT 20-009.PDF](#)

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

File # LUHO-20-009

Land Use Hearing Officer Summary and Recommendation

Request Type: Alter a non-complying structure.

Parcel ID: 16-27-428-009-0000

Property Address: 2572 E. 3210 S

Current Zone: R-1-8

Applicant Name: Chelsea Weidmann

Planner: Samah Safiullah

Planning Staff Recommendation: Approval

PROJECT DESCRIPTION

The applicant would like to request to rebuild a two-car garage on the subject property. The existing garage has a side yard setback of 0 feet from the west property line. Per Millcreek code any alteration that involves demolition or construction of a non-complying structure must be approved by the Land Use Hearing Officer. The applicant is requesting that the land use hearing officer approve construction with the existing 0-foot setback. The new structure will be slightly larger than the current garage. The current structure measures 22'2" x 22'3" and the new one will be built at 24' x 24'. The square footage of the current garage is 493 sq. ft. and the proposed garage would be 576 sq. ft.



Figure 1 Property Line in Blue Existing Garage and Porch in Red

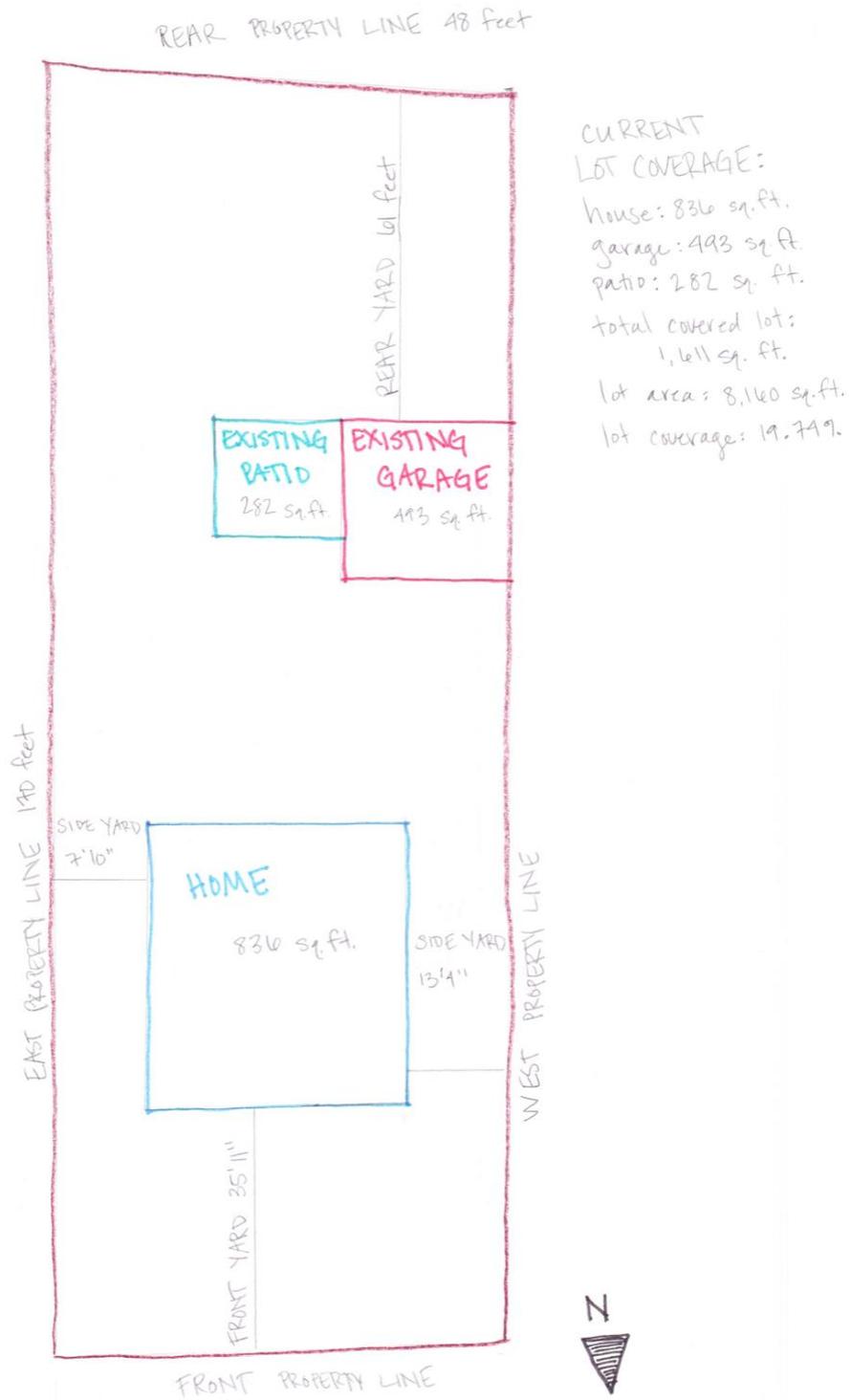
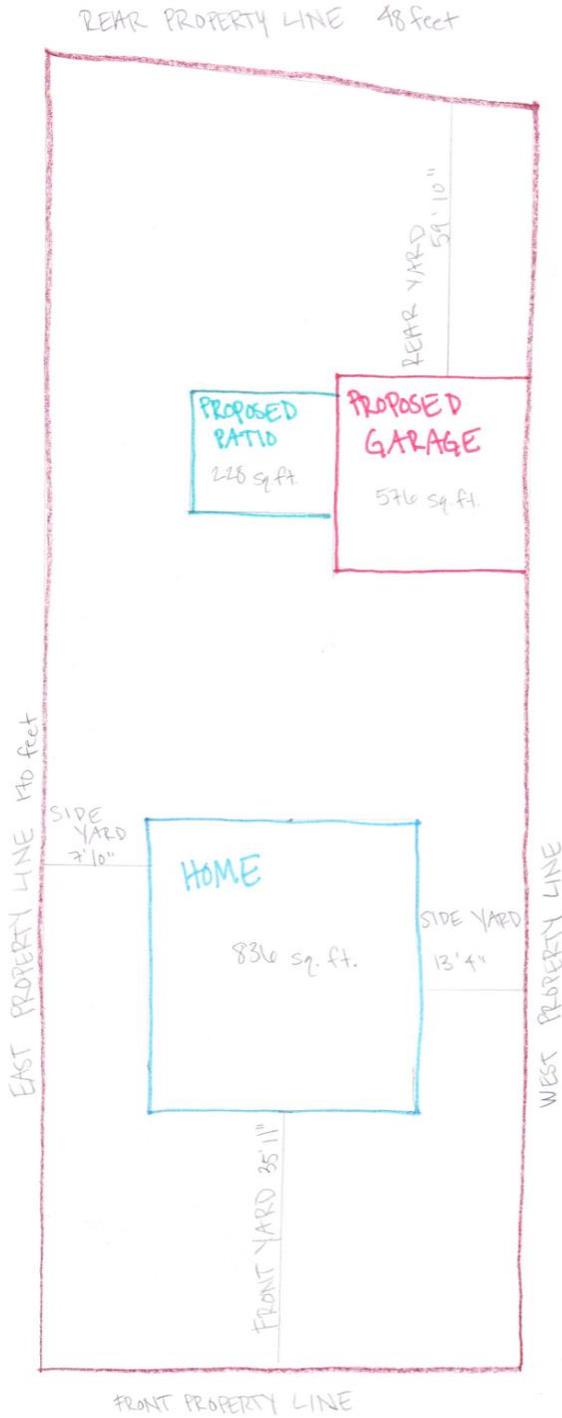


Figure 2 Existing Site Plan



PROPOSED
LOT COVERAGE:

house: 836 sq. ft.
garage: 576 sq. ft.
patio: 228 sq. ft.
total covered lot:
1,640 sq. ft.
lot area: 8,160 sq. ft.
lot coverage: 20.09%

Figure 3 Proposed Site Plan

SITE AND VICINITY DESCRIPTION (see attached map)

The subdivision was platted in 1944 with surrounding houses built shortly after. Multiple houses along the street have two car garages modified after the houses were originally built. Many of the houses in the neighborhood have setbacks less than 8 feet minimum required by the R-1-8 zone.

LAND USE CONSIDERATIONS

Requirement	Existing	Zone Requirement	Proposed
Height	1 story with a pitched roof	14 Feet (may have additional height with additional setback length see 19.14.070)	unchanged
Front Yard Setback	Garage in rear yard	Required to be in rear yard	unchanged
Side Yard Setback	0 feet	30 inches (unless additional height added)	0 feet (non-conforming)
Rear Yard Setback	61 feet	30 inches (unless additional height added)	30 inches
Lot Width	Approx. 50 feet	65 Feet	unchanged
Lot Area	8,160 Sq. Ft	Min 8,000 Sq. Feet	unchanged
Lot Coverage	19.74%	33% Maximum	20.09%

Compatibility with existing buildings in terms of size, scale and height.	Yes
Compliance with Landscaping Requirements.	N/A
Compliance with the General Plan.	Yes

ISSUES OF CONCERN/PROPOSED MITIGATION

Staff has not identified any issues with the applicant's proposal.

PLANNING STAFF ANALYSIS

19.04.380 - Noncomplying structure.

"Noncomplying structure" means a building or other structure or portion thereof lawfully constructed in compliance with the zoning ordinance existing at the time of construction, that no longer conforms to the height,

area and/or yard regulations in the zone in which it is located due to changes to the zoning ordinance or to subsequent public acquisition of land for public improvements.

19.88.070 - Additions, enlargements, moving and reconstruction of a structure.

A. 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.

B. 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 Section 19.02.020 of this title and is in keeping with the intent of this title;

2. That the proposed change does not impose any unreasonable burden upon the lands located in the vicinity of the nonconforming use or structure.

19.02.020 - Purpose of provisions.

This title is designed and enacted for the purpose of promoting the health, safety, morals, conveniences, order, prosperity and welfare of the present and future inhabitants of City, including, among other things, the lessening of congestion in the streets or roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering the City's agricultural and other industries, and the protection of both urban and nonurban development.

19.88.150 - Application to have a structure declared a noncomplying structure.

Whenever a structure is in violation of the height or setback provisions of this title, the owner may file an application with the director or director's designee to have the structure declared noncomplying. The director or

director's designee shall approve the application when the evidence clearly establishes the following: A. The structure has existed at its current location, with the same size, height and setbacks for at least ten years; B. The

structure is found by the building official or designee to pose no threat to the health or safety of persons in or around the structure, and; C. The City has not taken enforcement action for the violation for a period exceeding

five consecutive years during which the violation existed.

Planning Staff has declared the existing home as a non-complying structure, since it meets all the requirements mandated by **Section 19.88.150**.

PLANNING STAFF RECOMENDATION

Staff recommends a finding that the project is in harmony with the purposes of the City's zoning ordinance, namely, to promote quality single-family neighborhoods that provide residents a comfortable, healthy, safe, and pleasant environment without harming surrounding urban or non-urban development.

Staff recommends a finding that this property does not impose any unreasonable burden upon the lands located in the vicinity of the noncomplying structure. The proposed addition maintains the form and style of the existing structure and is consistent with the historic pattern of development and housing type in the neighborhood.

For the above reasons, staff recommends approval of the request to enlarge and relocate a non-complying structure with a 0-foot side yard setback and 30-inch rear yard setback for the new garage.

Appendix:

- 1: Applicant's request**
- 2. Applicant's Exhibits**

LAND USE REQUEST LETTER

June 24, 2020
Chelsea Weidmann
2572 E. 3210 S.
Millcreek, UT 84109

Dear Millcreek Land Use Hearing Officer;

I am requesting a special exception to allow me to rebuild my detached garage without relocating it. My current garage is along my west property line. The foundation of the garage appears to be original to when the house was built (1953) and the garage has no rain gutters so there has been water damage accumulating over decades. This has caused the foundation and the retaining wall along the south of the structure to crack significantly. The recent earthquake also contributed to the deterioration and the west side of the garage is approximately five inches lower than the east side. We have consulted with several local concrete repair companies and all advised us that the damage is irreparable and that for safety's sake the structure needs to be demolished and rebuilt. A detached garage along a property line is quite common in my neighborhood.

All of the houses I can see from my home have a garage along a property line, usually the west one. Below are photographs of my next door neighbors' properties as well as mine, east to west with my home in the center, all taken at the front property lines. As you can see, all three homes have detached two-car garages on the west property line.



I am also requesting permission to build the new structure slightly larger than our current garage. Our current structure measures 22'2" x 22'3" and we would like to build the new one at 24' x 24'. The square footage of our current garage is 493 sq. ft. and the proposed garage would be 576 sq. ft. My neighbor to the east's garage is 24'6" x 22' and has 539 sq. ft. My neighbor to the west's garage is 22'1" x 30' and has 662.4 sq. ft. The proposed garage will be narrower than our east neighbor's and shallower than our west neighbor's and will have square footage between the two.

	East neighbor	Our home	West neighbor
current garage measurements	24'6" x 22"	22'2" x 22'3"	22'1" x 30'
proposed garage measurements		24' x 24'	
current garage square footage	539 sq. ft.	493 sq. ft.	662.4 sq. ft
proposed garage square footage		576 sq. ft.	

I have already been in contact with the building department and am preparing demolition and building permits, pending your decision.

Thank you very much for your consideration. If you have questions or would like further details, please feel free to contact me.

Sincerely,

Chelsea Weidmann