



Millcreek Planning & Zoning
3330 South 1300 East
Millcreek, Utah 84106
801-214-2700
millcreek.us

Land Use Hearing Officer Summary & Analysis

Date: 1/12/2022
File Number LUHO-22-022
Request Type: Variance – Request to Extend Garage into Front Setback
Parcel ID: 22-01-332-015
Address: 3867 E Thousand Oaks Circle
Zone: R-1-10, Single-Family Residential Zone
Applicant: Karl Jakob
Planner: Katie Larsen, Planner

SUMMARY DESCRIPTION

The applicant is seeking a variance for a reduction of their **front yard** setback from 30 to 21 feet to allow for an expansion of an attached garage to accommodate parking for a recreational vehicle. The applicant is asking for a variance from the setbacks as prescribed within the R-1-10 Zoning Code. Millcreek City Code §19.14.050.

Pursuant to Millcreek Code, 19.04.565 Yard, Front

“Front yard” means a space on the same lot with a building, between the front line of the building and the front lot line and extending across the full width of the lot. The “depth” of the front yard is the minimum distance between the front lot line and the front line of the building.

The subject property comprises of .39 acres and is located on Thousand Oaks Circle. The property is sloped quite significantly from East to West. The side yard to the North of the garage is sloped significantly, a proposed expansion in this area would likely not be possible.

View of property from Thousand Oaks Dr. The garage is currently setback 30-32’ from the property line.





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Aerial view of the property with Recreational Vehicle. The vehicle does not appear to be 10' from the property line. In this case the front property line is measured from back of sidewalk.



STAFF FINDINGS, ANALYSIS, & SUPPORTING DOCUMENTS

Staff Findings:

1. The burden of justifying a request for a variance rests on the applicant. Utah Code § 10-9a-702(3) and Millcreek Code §19.92.050.
 2. Recreational Vehicles. Recreational vehicles parked or stored on residential property in any R-1 or R-2 zone shall be parked or stored as provided below:
 - a. Residential Driveways in a Front Yard.
 - i. Recreational vehicles may not be parked within a front setback of a residence unless they are parked on a hard surfaced residential driveway as defined in subsection A. Recreational vehicles parked on driveways must be at least 10 feet back from the edge of the street or the public right-of-way, whichever is greater. Recreational vehicles parked on a driveway in the front yard must be licensed, operable and parked perpendicular to the street.
 3. Depending on how the long the vehicle is, it may be parked on the driveway if it is 10' away from the edge of the street.
 4. The applicant must meet all other standards stipulated in 19.14 and 19.71, (height, envelope, lot coverage).
 5. The property is zoned R-1-10.
 6. The property is not irregular relative to the area, as many homes are built on steep slopes.
 7. Many homes near the subject property have a parking area in the side yard on top of retaining walls, which is no longer permitted as per 19.95.090.
 8. The property is irregular in the way that the side yard is too steep to build a retaining wall to accommodate parking, which would not be allowed regardless.
-



Staff Analysis:

- 1. 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;
City Code §19.92.050.B***

Staff Response: The applicant has a garage to accommodate numerous cars similar to surrounding properties. Properties in the surrounding area have an average 30' front yard setback. Though, some do have side yard parking.

- 2. There are special circumstances attached to the property that do not generally apply to other properties in the same district;
City Code §19.92.050.B***

Staff Response: Many other properties in the same district have a steep side yard area, though many have retaining built up to accommodate extra parking, which is not allowed as per current Millcreek Code.

- 3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;***

Staff Response: The property owner has parking opportunities similar to surrounding neighbors, being that the home already has a three car garage.

- 4. The variance will not substantially affect the general plan and will not be contrary to the public interest;***

Staff Response: A variance would not substantially affect the general plan. Though, it has not been proven to staff that the property has special circumstances attached to it compared to the surrounding area.

- 5. The spirit of this title is observed, and substantial justice is done.***

Staff Response:

Staff Recommendation: Staff has determined that the property does not have substantial circumstances compared to nearby properties.

Attachments:

- Application Documents
 - Exhibits
-



Planning Services

3330 South 1300 East • Millcreek, Utah 84106

Phone: (801) 214-2750

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File #

Variance/Appeal Hearing Application before the Appeal Authority

Zone: _____ Community Council: _____ Planner: _____

Parent File #: _____ Date: _____

Name(s): Karl Jakob

Address per tax rolls: 3867 Thousand Oaks Circle

City/County: Millcreek State: UT Zip: 84124

Office/home phone: 801-712-0607 Fax: _____

Mobile phone: _____ Message phone: _____

Email address: Karl.jakob.pe@gmail.com

Application is made for:

Variance from the terms of the zoning ordinance

(See Section A, Page 2)

Appeal of an administrative decision in interpretation of the zoning ordinance

(See Section B, Page 3)

ANSWER THE QUESTIONS COMPLETELY

Section A Application for a variance from the terms of the zoning ordinance

10-9a-702. Variances.

(1) Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the applicable appeal authority for a variance from the terms of the ordinance. These conditions are set forth in the following five questions:

1. State how the literal enforcement of the zoning ordinance would cause an unreasonable hardship that is not necessary to carry out the general purpose of the land use ordinance. (NOTE: A hardship must be associated with the property for which the variance is sought, comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood, and cannot be self-imposed or economic,

10-9a-702 (b). The purpose of this variance is to extend a portion of my garage by 9'. My property is built on a steep slope and side property can therefore not be used to store/park vehicles, boats, etc.

2. What special circumstances are attached to the property that does not generally apply to other properties in the same land use zone?

My property has both a sidewalk and a park strip which are not included in the setback from the street. Other properties do not have the 5'8" park strip.

3. How would the granting of a variance be essential to the enjoyment of a substantial property right possessed by other property in the same land use zone?

By granting this variance it would allow me to park my recreation vehicle in a garage instead of on the driveway or in the street.

4. How will this variance affect the General Plan for Millcreek City?

The minimum front setback has been reduced for property owners with no negative affect to the general plan for Millcreek city.

5. How will the spirit of the land use ordinance be observed and substantial justice done?

The goal of this project is to architecturally enhance my home which will benefit the visual beauty of the neighborhood.

In addition, this project will allow me to park my RV indoors removing the unsightly view of my RV parked on my driveway or on the street. It will also reduce potential congestion in the neighborhood for traffic, snowplowing, etc.

SIGNATURE - SECTION A ONLY

DATE



12-1-22

Section B Appeal of an administrative determination in applying the zoning ordinance

10-9a-703. Appealing a land use authority's decision.

The applicant, a board or officer of the county, or any person adversely affected by the land use authority's decision administering or interpreting a land use ordinance may, within the time period provided by ordinance, appeal that decision to the appeal authority by alleging that there is error in any order, requirement, decision, or determination made by the land use authority in the administration or interpretation of the land use ordinance.

Date of decision: _____

What determination was made?

(Include copies of any paperwork that you have received indicating this determination)

Name of board or official making that determination:

State the reason you feel that this determination is in error:

(Use additional paper and attach it to back of this application if more space is needed)

SIGNATURE - SECTION B ONLY

DATE



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Exhibit A: Nearby homes with parking on top of retaining.





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Exhibit B, Side yard.





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Exhibit C, View of Property.

