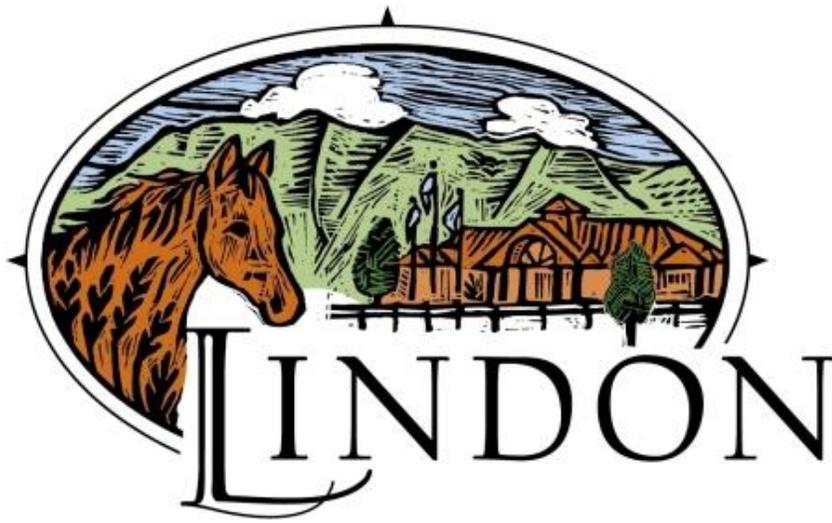


Lindon City Board of Adjustment Staff Report

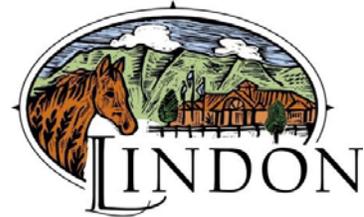


The City of Lindon
Planning Department

June 13, 2013

Notice of Meeting

Lindon City Board of Adjustment



The Lindon City Board of Adjustment will hold a meeting on **Thursday, June 13, 2013** in the downstairs conference room of Lindon City Hall, 100 North State Street, Lindon, Utah. The meeting will begin at **6:00 P.M.** The agenda will consist of the following:

AGENDA

1. Call to Order
2. Approval of Minutes from April 11, 2013
3. Variance: Rear Yard Setback — Marlin Sharp
540 North 675 East

The applicant is requesting a variance of **10.5 feet from the required 30 foot rear yard setback** in the R1-20 (Residential Single-Family) zone. If approved, the rear yard setback on the lot would be 19.5 feet from the property line.

Adjourn

Staff Reports and application materials for the agenda items above are available for review at the Lindon City Planning Department, located at 100 N. State Street, Lindon, UT. For specific questions on agenda items our Staff may be contacted directly at (801)785-7687. City Codes and ordinances are available on the City web site found at www.lindoncity.org. The City of Lindon, in compliance with the Americans with Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations for City-sponsored public meetings, services programs or events should call Kathy Moosman at 785-5043, giving at least 24 hours notice.

Posted By: Hugh Van Wagenen
Time: ~ 12:00 pm

Date: June 12, 2013

Place: Lindon City Center, Lindon Public Works, Lindon Community Center

Item I – Call to Order

June 13, 2013 Board of Adjustment meeting.

Roll Call:

Glenn Mitchell

Greg Slater

Steve Smith

Jeff Southard

Jeff Wilson

Item 2 – Approval of Minutes

Board of Adjustment – Thursday, April 11, 2013.

Item 3: Variance — Rear Yard Setback

Marlin Sharp

~540 North 675 East

Presenting Staff: *Hugh Van Wagenen*

Applicant: *Marlin Sharp*

Zoning Designation: *R1-20*

Master Plan Land Use Designation: *Residential Low*

Summary: The applicant is requesting a variance of **10.5 feet from the required 30 foot rear yard setback** in the R1-20 (Residential Single-Family) zone. If approved, the rear yard setback on the lot would be 19.5 feet from the property line.

The Lindon City Code in question is **17.44.080 Yard Setback Requirements** and reads as follows:

The following minimum yard requirements shall apply in the R1 zones: (Note: All setbacks are measured from the property line, or for property lines adjacent to a street the setback shall be measured from the street right-of-way line.)

1. *Rear yard setback: thirty (30) Feet*

The applicant is requesting this variance in order to build an enclosed addition where an existing deck is part of the home. The deck does extend into the current rear yard setback, but is allowed to do so by LCC **17.44.090 Projections into Yards** which states: *(b) The structures listed below may project into a rear yard not more than twelve (12) feet: A shade structure or uncovered deck...extending from the main floor level and/or ground level of a building, provided such structure is open on at least three (3) sides...*

Because the new addition will be enclosed and supporting a roof structure, code requires that it meet the required setbacks of the zone. The new addition does not meet the required setbacks and therefore, Mr. Sharp is requesting a variance.

Mr. Sharp has provided some diagrams, photographs, and a written response to the criteria for granting a variance for your review while you consider his request. They are attached below.

Motion: I move to (approve, deny) the variance request for a 10.5 foot variance from the required 30 foot rear yard setback in the R1-20 zone.

Supplemental Information

In order for the Board of Adjustment to grant a variance, the following must be met according to LCC **17.10.050(2)**:

(a) The Board of Adjustment may grant a variance only if:

i. Literal enforcement of the land use ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;

ii. There are special circumstances attached to the property that do not generally apply to other properties in the same zone;

iii. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;

iv. The variance will not substantially affect the General Plan and will not be contrary to the public interest, and;

v. the spirit of the land use ordinance is observed and substantial justice done.

(b) i. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Section (2)(a), the Board of Adjustment may not find an unreasonable hardship unless the alleged hardship;

A. Is located on or associated with the property for which the variance is sought, and;

B. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

ii. In determining whether or not enforcement of land use ordinance would cause unreasonable hardship under Subsection (2)(a), the Board of Adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.

(c) In determining whether or not there are special circumstances attached to the property under Subsection (2)(a), the Board of Adjustment may find that special circumstances exist only if the special circumstances;

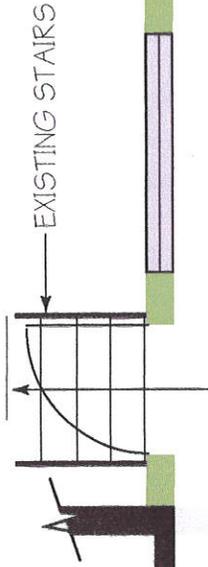
i. Relate to hardship complained of, and;

ii. Deprive the property of privileges granted to other properties in the same district.

PLOT PLAN 540 N 675 E LINDON UTAH  Property line shown in green outline.  Existing deck will be moved to new location shown in orange outline  Area for addition shown in red outline.



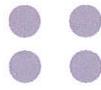
SCALE: 1/4" = 1'-0"



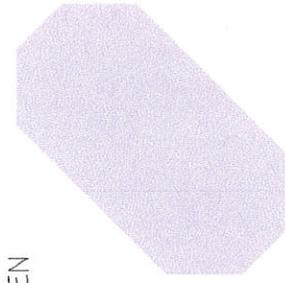
LAUNDRY



GARAGE



EXISTING KITCHEN

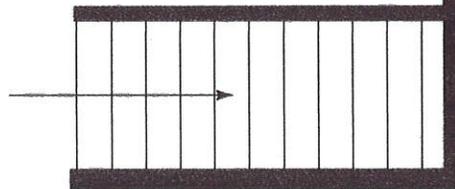


PARLOR

NOTE:
Addition takes up the same area as the existing deck

REMOVE EXISTING WALL

< FRONT ENTRANCE



HALL



BEDROOM

EXISTING GREAT ROOM



PROPOSED ADDITION MAIN FLOOR & WALKOUT BASEMENT 24' X 12'

FIREPLACE

19.5' TO PROPERTY LINE

BATHROOM

BATHROOM

DECK MOVED TO THIS LOCATION

Request for Variance Section 17.10.040 at property at 540 N. 675 E. Lindon Utah
Property owners: Marlin & Julia Sharp

Reasons to grant this variance:

i. Literal enforcement of the land use ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;

The family room for the Sharps is too small when having their family over for dinner and other activities. Furniture has to be moved so the table can be enlarged for the guests. Adding to the space will help accommodate our family gatherings. We have contacted the neighbors during the past few weeks and showed them what we want to do. They are all very supportive. But they understandably do not want to change their property boundaries to accommodate the setback for this addition.

ii. There are special circumstances attached to the property that do not generally apply to other properties in the same zone;

This property is in a cul-de-sac that makes property long but not wide. Use of this property setbacks and back property line is very narrow. However the homes to the back of this property and home to the South are large and the homes have large back yards. The proposed addition would not be a hindrance to the neighbors all around the property. The existing deck has not been a problem with them close to the property line, as it now exists.

iii. Granting the variance is essential to enjoyment of a substantial right possessed by other property in the same zone;

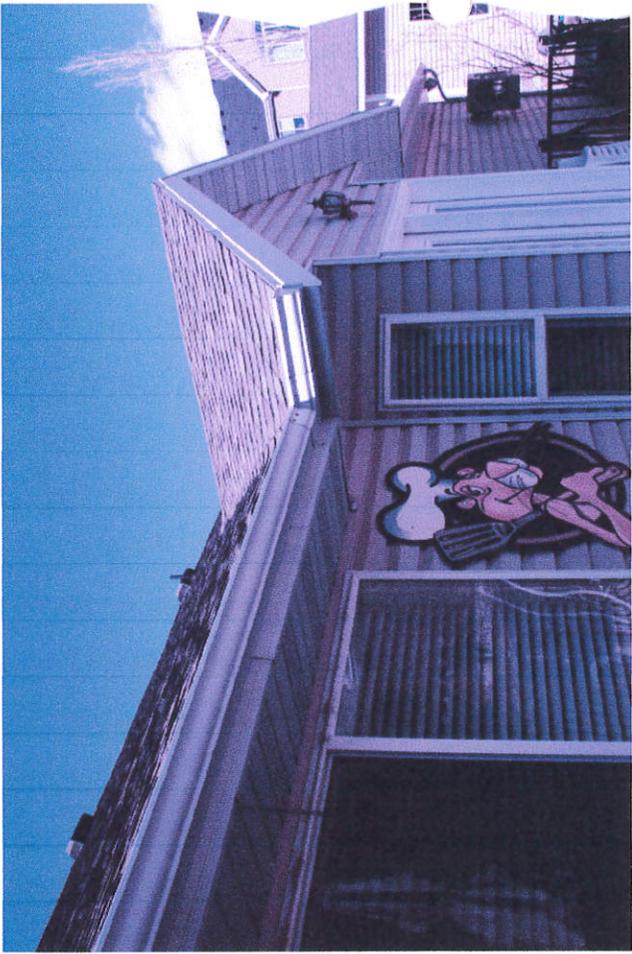
Most properties surrounding this property are large plots that make it possible to have larger homes. Because our property is long and narrow, this home is smaller than other homes in the neighborhood. An additional 12' x 24' is a tiny portion of the present dwelling and would not impact other property owner's enjoyment of their property.

iv. The variance will not substantially affect the general plan and will not be contrary to the public interest.

This addition is small enough that it will not impact the neighbors and public interest because it's in the back yard of the home.

v. The spirit of the land use ordinance is observed and substantial justice done.

This property land is smaller and the home is small for this area. The addition will not impact other neighbor's use or view from their homes. Homes surrounding the Sharp's property have trees that block the view of their property and would not make any difference for them with their backyard view. Sharp's also have large trees that block the view of neighbor's homes.





EXISTING GREAT (actually small) ROOM



EXISTING DECK

