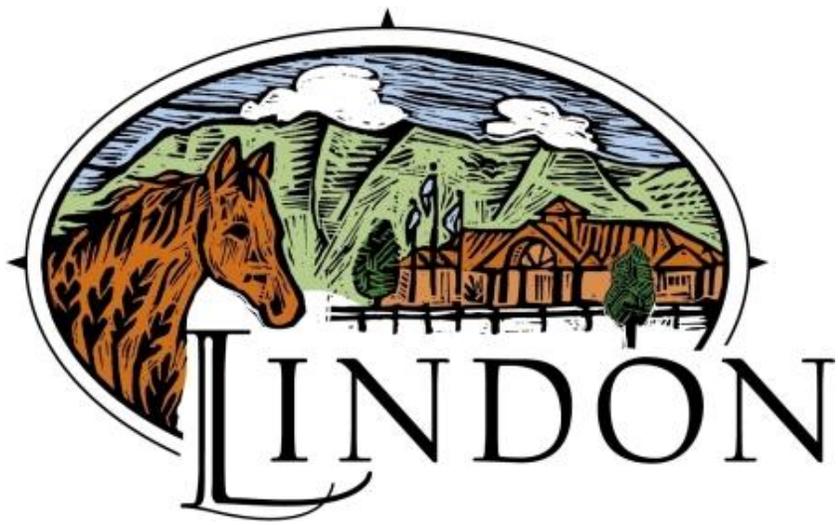


Lindon City Board of Adjustment Staff Report



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.

