

# Notice of Meeting

## Lindon City Board of Adjustment



The Lindon City Board of Adjustment will hold a meeting on **Thursday, July 27, 2017**, in the downstairs conference room of Lindon City Hall, 100 North State Street, Lindon, Utah. The meeting will begin at **7:00 p.m.** The agenda will consist of the following:

### AGENDA

**1. Call to Order**

**2. Approval of Minutes**

Board of Adjustment Meeting: July 7, 2016

**3. Variance: Front Yard Setback — Greg and Ameri Belliston, 655 East 300 North**

The applicant is requesting a variance of approximately six (6') feet to the front yard setback requirement for a front porch roof addition, on Lot I, Plat A, The Cove Subdivision. The property is in the Residential Single-Family (R1-20) zone.

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](http://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, City Recorder, at (801)785-5043, giving at least 24 hours notice.

The above notice/agenda was posted in three public places within Lindon City limits and on the State <http://www.utah.gov/pmn/index.html> and City [www.lindoncity.org](http://www.lindoncity.org) websites.

**Posted By:** Brandon Snyder, Associate Planner

**Date:** July 25, 2017

**Time:** 11:20 am

**Place(s):** Lindon City Center, Lindon Police Department, Lindon Community Center

## **Item I – Call to Order**

July 27, 2017

### **Roll Call:**

Glenn Mitchell

Greg Slater

Steve Smith

Jeff Southard, Chairman

Jeff Wilson

## **Item 2 – Approval of Minutes**

Board of Adjustment Meeting: July 7, 2016

### Item 3: Variance — Belliston 655 East 300 North

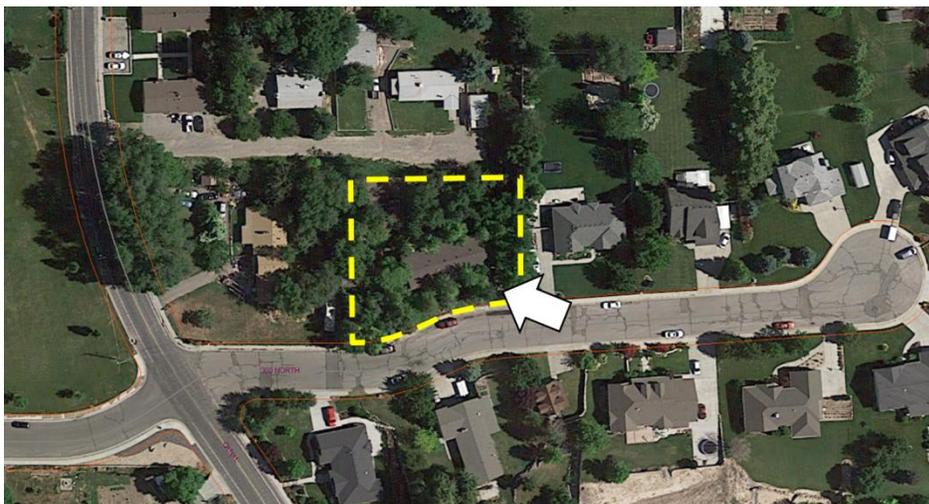
The applicant is requesting a variance to the front yard setback requirement for a front porch roof addition.

<p><b>Applicant:</b> Greg and Ameri Belliston <b>Presenting Staff:</b> Brandon Snyder</p> <p><b>General Plan:</b> Residential Low <b>Current Zone:</b> Residential Single Family, 20,000 sq. ft. (R1-20)</p> <p><b>Owner(s):</b> Greg and Ameri Belliston <b>Address:</b> 655 East 300 North <b>Subdivision:</b> Lot 1, Plat A, The Cove <b>Parcel ID:</b> 36-479-0001</p>	<p><b><u>SUMMARY OF KEY ITEMS</u></b></p> <ol style="list-style-type: none"><li>1. Whether the variance request complies with applicable criteria.</li></ol> <p><b><u>SAMPLE MOTION</u></b></p> <p>I move to (<i>approve, deny, continue</i>) the applicant’s request for a 5’ 10” variance to the front yard setback for 655 East 300 North (Lot 1, Plat A, The Cove Subdivision) with the following conditions (if any):</p> <ol style="list-style-type: none"><li>1.</li><li>2.</li></ol>
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#### Background:

The applicant is requesting a variance from the setback requirement (front yard). “*The house is currently setback 23 feet. We are requesting an additional 5 feet, 10 inches. That would result in a setback of 17 feet, 2 inches.*” (Staff has measured the front setback to be thirty feet.) The applicant is requesting a variance from the front yard setback requirement of thirty (30) feet (Lindon City Code (LCC) 17.44.080).

LCC 17.10.050 Board of Adjustment - Variance, indicates: (1) Any person or entity desiring a waiver or modification of the requirements of the land use ordinance as applied to a parcel of



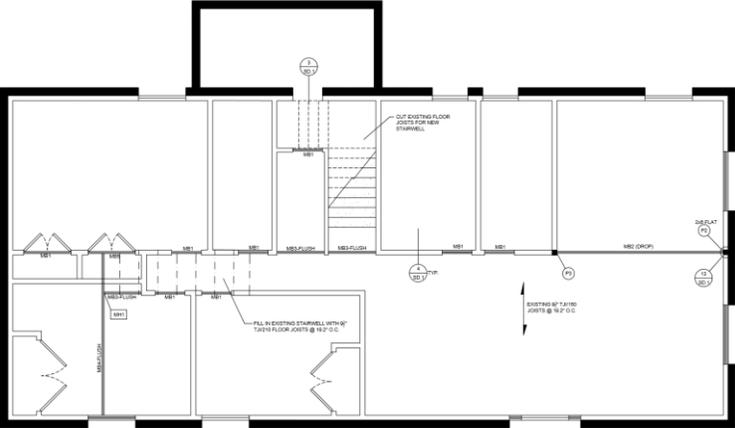
property that he owns, leases, or in which he holds some other beneficial interest may apply to the applicable appeal authority for a variance from the terms of the land use ordinance.

The existing residence was constructed in 1994 by way of building permit #1730 (Gappmayer). The property was in the R1-

20 zone. The required setbacks were 30' (front and rear) and 10' sides. The basement was unfinished at that time. Staff has visited the site and has confirmed via measurement that the front setback for the existing residence is thirty feet.



The residence was remodeled in 2015 by way of building permit #1771 (Belliston). The zoning and setback requirements remained the same as in 1994. The remodel also included the basement and a cold storage addition in the basement (see floor plan).



## **Lindon City Code(s):**

### **17.44.080 Yard Setback Requirements:**

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. Front yard setback: thirty (30) feet  
Rear yard setback: thirty (30) feet  
Side yard setback: ten (10) feet...

### **Section 17.44.010 Purposes and Objectives**

The Single Family Residential Zones (R1) are established to provide areas for the encouragement and promotion of an environment for family life by providing for the establishment of one (1) family detached dwellings on individual lots that are separate and sheltered from non-residential uses found to be inconsistent with traditional residential lifestyles customarily found within Lindon City's single-family neighborhoods.

### **17.44.090 Projections into Yards.**

2. The structures listed below may project into a minimum front, side, or rear yard not more than the following distances:

- a. The following may project into a minimum front, side or rear yard not more than twenty-four (24) inches: Cornices, eaves, belt courses, sills, buttresses, or other similar architectural features; fireplace structures and bays (provided that they are not wider than eight (8) feet, measured generally parallel to the wall of which they are a part), awnings and planting boxes or masonry planters.
- b. The structures listed below may project into a rear yard not more than twelve (12) feet: A shade structures or uncovered deck (which does not support a roof structures, including associated stairs and landings) extending from the main floor level and/or ground level of a building, provided such structures is open on at least three (3) sides, except for necessary supporting columns and customary architectural features.
- c. The following may project into a front, side or rear yard (above or below grade) not more than four feet as long as they are uncovered (not supporting a roof structures): unenclosed stairways, balconies, landings, and fire escapes. (Ord. 2009-3, amended, 2009; Ord. 2003-15, amended, 2003; Ord. 111 §1, amended, 1985; Prior code §12-111-8)

**Lindon City General Plan: LAND USE - Residential Land Uses** include a range of residential classifications including low, medium, and high density...The goal of housing and residential areas in Lindon City is to provide a housing and living environment that supports and complements the unique rural quality and character of Lindon City.

## Notices

Third party notices were provided on July 14, 2017, to the adjoining property owners in accordance with Lindon City Code Section 17.14.050 Third Party Notice. Staff has received no public comments at this time.

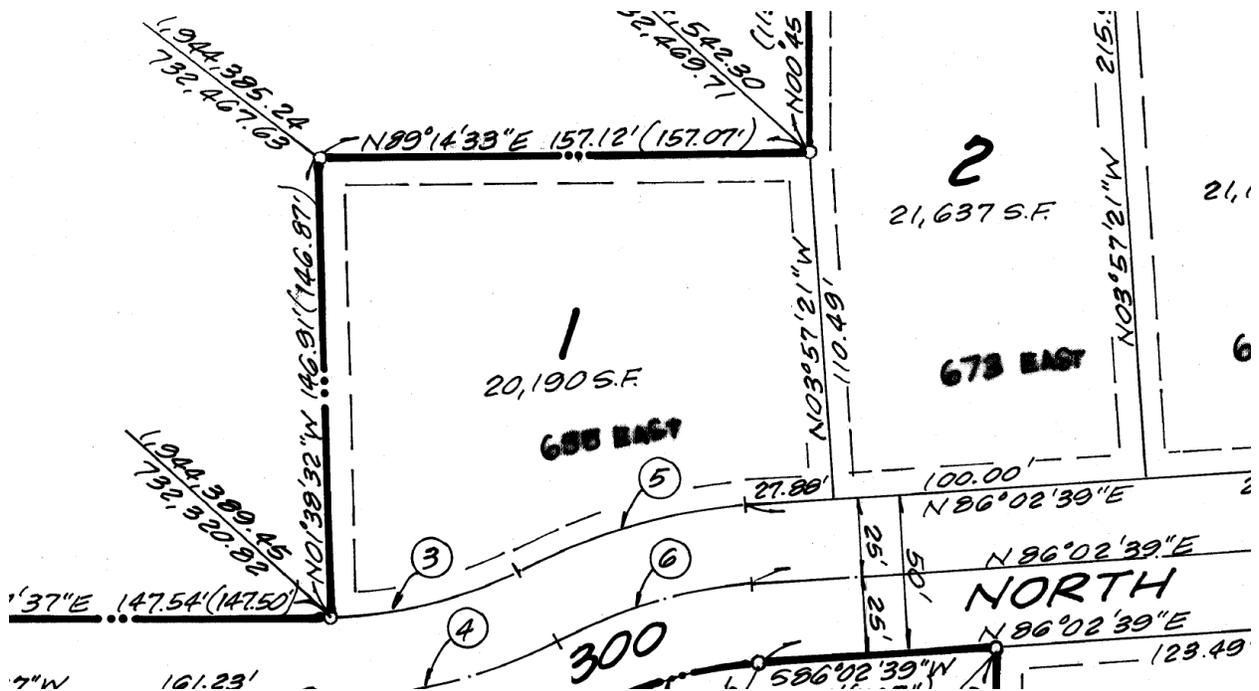
### Existing porch roof:

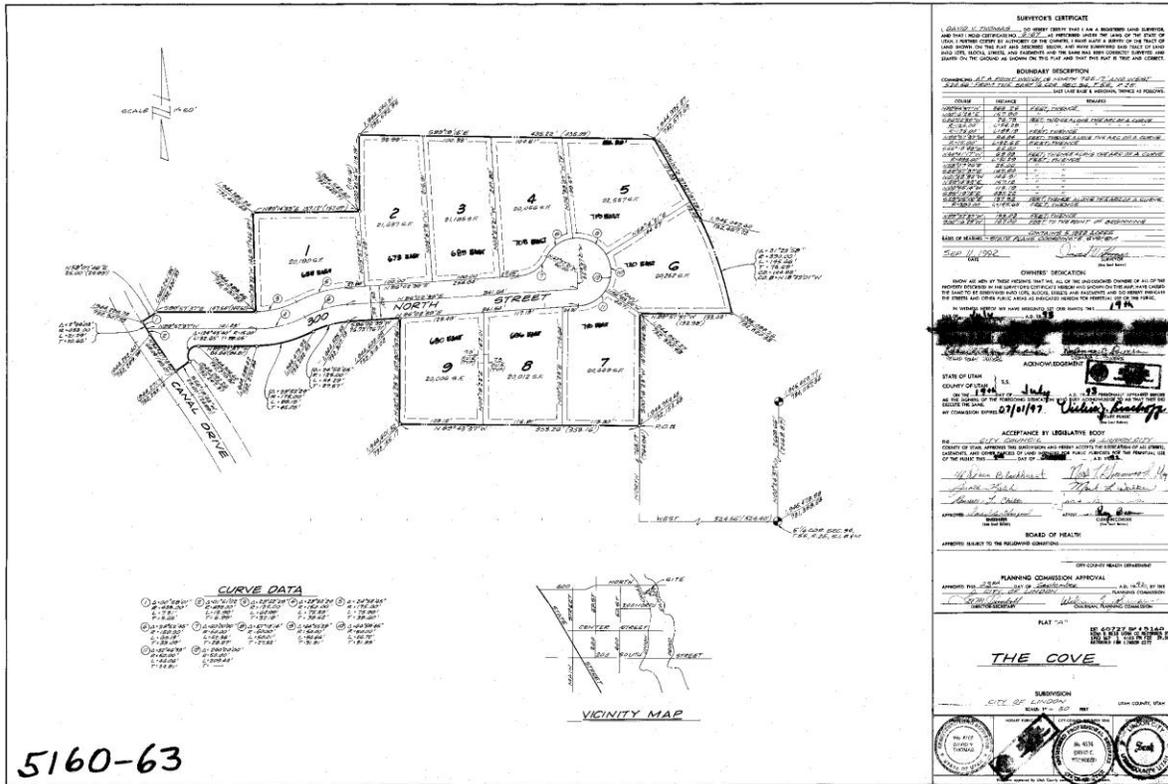


<b>Lindon City Code 17.44 Residential</b>	<b>Lot 1 (The Cove)</b>
Minimum 20,000 sq. ft.	Lot Area: 0.4634 acres (sq. ft. : 20,190)
100' (measured at front yard setback)	Lot Width: 157'+
Minimum 100'	Lot Depth: 110'-146'
Minimum 50'	Lot Frontage: 157'+

17.44.120 Permissible Lot Coverage

1. In an R1 zone, all buildings, including accessory buildings and structures, shall not cover more than forty (40) percent of the area of the lot or parcel of land.
2. At least forty (40) percent of the area of any lot shall be maintained in landscaping. On any lot, concrete, asphaltic, or other driveway surfaces shall not cover more than fifty (50) percent of a front yard.





## The Cove Subdivision, Plat A

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.

### **Additional guidelines**

Lindon City Code 17.10.050, (3-6)

3. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

4. Variances run with the land.

5. The Board of Adjustment and any other body may not grant use variances.

6. In granting a variance, the Board of Adjustment may impose additional requirements on the applicant that will;

a. mitigate any harmful affects of the variance, or;

b. serve the purpose of the standard or requirement that is waived or modified.

**Enclosure(s):** Applicants Materials

**Analysis of Variance Conditions**  
**Belliston Home: 655 E 300 N**

Condition 1: Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinance. The unreasonable hardship is not self-imposed or economic.

We bought our home at a foreclosure auction in terrible shape, both inside and outside, planning to remodel it into something that would be an asset to the neighborhood and city. One of the problems the home had—the problem we are trying to solve with this variance—was a wet basement. We have tried many solutions to no avail, but we believe that extending the roof would solve the problem.

At the time we purchased the home, the home had a terrible water problem in the basement. In particular, there was a basement window located near the front door that leaked very badly. As we worked on the remodel, we turned the leaky window into a doorway for a cold storage room that the city approved for us to build. Although fixing the water problem was not our primary reason for installing the cold storage, we were hopeful that the water problem would be solved with the cold storage installation, as we would be eliminating the leaky window and re-configuring the structure and grading along the front of the home.

Installing the cold storage room did fix 90% of the problem, but some water continues to seep into the cold storage room (close to where the leaky window used to be). We had the contractor come back at least twice to try to fix the problem. Once he painted tar around the outside, and the other time he filled in more dirt where it had eroded away. Then, when a landscaper came later to install our lawn, we had him carefully grade the yard so it sloped away from the home and cold storage room. However, even with our efforts, there is still a part of the cold storage room that leaks when it rains. We believe that extending the roof such that it covers the cold storage room's porch cap should keep the basement completely dry.

One of our original plans to beautify this home that was in such bad shape when we bought it was to add a covered porch. We first learned that the home was already at the setback border (and the fact that the setback requirements apply to an overhanging roof) when we submitted our engineering plan to the city and it was rejected.

Condition 2: There are special circumstances attached to the property that do not generally apply to other properties in the same zone. See included map.

Our property is much shallower than the rest of the properties on our street. While the rest of the properties on our street have deep backyards, our backyard is cut off by a small lane that comes from nearby Canal Drive and has two homes on it. As a result, both the front and the back of our property have frontage to roads (300 N and the lane), and although our property is wide, it is very shallow. The lane dead-ends at the east end of our property, and as a result, the property to the east of ours is 215 feet deep, but ours is just 102 feet deep. The alley and the key lot behind ours cut 113 feet out of our backyard. That is likely the reason for which our home was placed closer to the road when it was originally built. Our lot is unique in this way. (The property to

the west of ours is also different because the home faces Canal Drive, so the two roads that are the front and back of our lot are the sides of that lot, with Canal Drive running along the front of it.)

Four other homes on our street are built close to the frontyard setback, but the circumstances of those homes are different from ours. All four of the other homes either (1) already have a covered porch—so they were built far enough back to have an overhanging roof from the beginning; or (2) are configured with the garage at the setback limit and the front door further back such that they have a cushion of space at the front door.

Condition 3: Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.

The variance will help keep our storage room dry, and it will contribute to our enjoyment of the front yard and front porch. All of the other properties on our street have this right; because they are deeper, they had more leeway as to where to place the homes when they were built. As a result, they had an easier ability to, and did, place their homes further back such that they would have more options for their front yards (this is even true of the four homes with setbacks similar to ours, as discussed above).

Condition 4: The variance will not substantially affect the general plan and will not be contrary to the public interest.

Currently the porch extends 7 ft. 10 in. in front of the home. The current roof already overhangs 4 feet, so we just need to extend it 5 ft. 10 in. more so it covers the porch plus 2 extra feet. This is a very small distance. Furthermore, unlike an addition to add or expand an interior room (which the Board of Adjustments approved for another resident on June 13, 2013), in our case the only thing that will be added to the footprint within the setback area is three posts that will help support the roof. Other than the three posts, the only extension into the setback area will be additional, above-ground roof overhang.

In addition, the front of our home does not face the front of another home across the street. The home across the street from ours is positioned such that it is rotated 90 degrees counterclockwise. The “front” door opens up into the side yard, and the part of the home that faces the street is actually a side of the home. Therefore, the roof overhang we are seeking would not impose on the neighbors’ view out their front door. For this same reason, we also do not think the roof overhang will cause the aesthetic problem of our and our neighbors’ homes seeming too close together and scrunched.

Granting the variance does not present any hazards to life or safety; the issue is one of aesthetics—and as discussed above, in this particular case there is not an aesthetics problem. In considering whether to request a variance, we considered our neighbors’ opinions because they have a strong interest in keeping the neighborhood aesthetically pleasing. We asked our neighbors if they would approve of the roof extension. All of them approved, and one even said it would be “wonderful!”

Condition 5: The spirit of the land use ordinance is observed and substantial justice done.

Covering the porch would be a minor change. It would not affect the neighborhood at all (besides improving the home's appearance), our neighbors approve of it, and it would solve our problem of the leaky storage room and slippery steps in the winter.

We have vastly improved the property both inside and out, and many neighbors have thanked us for improving the home's previously-overgrown, junkyard exterior. This would be a good final touch for the front of the home.

Granting the variance would also allow substantial justice to be done because it was not our fault that the home was built so close to the street or that it had a water problem.

# Google Maps 655 E 300 N



Map data ©2017 Google 50 ft

This map shows our home's unique position compared to the other homes on our street. See condition 2.

Front view of the house when we bought it



Current front view of the house



View of the front porch



General style that we envision for the roof



Our pillars will be less bulky than the pillars pictured above.  
(Note: Like our home, the home in the photo above previously had a flat front.)