1. Land Use Hearing Notice (PDF)

   Notice is hereby given that the Millcreek Land Use Hearing Officer will consider a variance at approx. 2:00 p.m. on Wednesday, April 23, 2025, at City Hall, 1330 E. Chambers Avenue, Millcreek, Utah 84106: 1) LUHO-25-004, Sandra Geary is seeking a variance to reduce the front yard setbacks for the purpose of extending an existing garage approximately four feet (4') closer to the public right-of-way at 1761 East Millcreek Way. For more information, please visit HTTPS://WWW.MILLCREEKUT.GOV/AGENDACENTER or call 801-214-2700. In compliance with the Americans with Disabilities Act, individuals needing special accommodation should notify the ADA Coordinator at ADAINFO@MILLCREEKUT.GOV or 801-214-2751.

   Documents:

   STAFF REPORT LUHO-25-004 WITH SUPPORTING DOCUMENTS.PDF

Millcreek City Hall
1330 East Chambers Ave
Millcreek, Utah 846
millcreekut.gov

Planning & Zoning
(801) 214-2700
planner@millcreekut.gov

April 23, 2025

Request Type:	Variance
File No:	LUHO-25-004
Address:	1761 East Millcreek Way
Zone:	R-1-10, Single-Family Residential Zone
Applicant:	Sandra Geary
Planner:	Brad Sanderson, AICP

SUMMARY DESCRIPTION

The applicant has filed a land use application seeking a variance to reduce the front yard setbacks for the purpose of extending an existing garage, approximately four feet (4') closer to the public right of way. The property is located at 1761 East Millcreek Way.

The property is located within the Single-Family Residential (R-1-10) Zone, which requires dwellings and garages to be set back at a minimum distance of thirty (30') feet from the front property line or right of way. MKZ § 19.14.050 Yards

The garage is attached to the front most portion of the primary dwelling. The vehicular access is made possible from a curved driveway extending from the right of way to a vehicular opening on the west side of the garage. The applicant is proposing to reorient the garage door opening and driveway access, by relocating them to the south side of the garage, thus creating a more direct opening and perpendicular driveway access between the garage and the right of way.

The current dimensions of the garage are 19'-5" x 20'-9" as measured from inside of wall to inside of wall. Due to a couple of steps between the garage and the house, and an interior swinging pedestrian door, the depth of the newly oriented garage will be impeded and no longer suitable for a standard size vehicle.

SCOPE OF DECISION

Utah Code 10-9a-702, allows "*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.*".

Millcreek Zoning Code 19.92.050.A. and similarly, the above referenced Utah Code state *"The authority may grant a variance only if:*

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;*

2. *There are special circumstances attached to the property that do not generally apply to other properties in the same district;*
3. *Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;*
4. *The variance will not substantially affect the general plan and will not be contrary to the public interest; and*
5. *The spirit of this title is observed, and substantial justice is done."*

The applicant has provided a written response to the above-listed criteria, as it applies to their specific request for a variance (see applicant's request letter, attached).

Furthermore, Millcreek's Zoning Code states,

> *"In determining whether enforcement of this title will cause unreasonable hardship, the authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought and comes from circumstances particular to the property, not from conditions which are general to the neighborhood. In determining whether or not enforcement of this title would cause an unreasonable hardship, the authority may not find an unreasonable hardship if the hardship is self-imposed or economic. In determining whether or not there are special circumstances attached to the property, the authority may find that special circumstances exist only if special circumstances relate to the hardship complained of and deprive the property of the privileges granted to other properties in the same district. <u>The applicant shall bear the burden of proving that all the conditions justifying a variance have been met."</u>*
>
> *"In granting a variance, the authority may impose additional requirements on the applicant that will mitigate any harmful effects of the variance or serve the purpose of the standard or requirement that is waived or modified."* (MKZ §19.92.050.)

STAFF FINDINGS, ANALYSIS & CONCLUSIONS

<u>Staff Findings:</u>

1. According to the Salt Lake County Records, the property is approximately 0.23 acres in size. The home was originally built in 1963-64 and later modified in 1997.
2. Millcreek's code does require single-household dwellings to have "2 [parking] space per unit", of which "one space must be covered". The code does not however require any specific garage size or dimensions. (see MKZ 19.80.020 parking table 19.80.2)
3. The property is Lot #5 of the Millbrook Village Subdivision recorded in 1964. According to the record plat, the property is generally rectangular, being approximately 80' wide and ranging between 123' to 131' in depth.
4. At the time of plat recordation, the property contained a five-foot (5') Public Utility Easement along the north and east property lines, which is a standard practice and is somewhat common on many lots.
5. The subject property is within the same R-1-10 Zone as most properties along Millcreek Way.
6. The standard parking stall dimensions are 9' x 18'. Typical garage dimensions are 20' x 20'.

Staff Analysis:

The burden of justifying a request for a variance is on the applicant. See Utah Code § 10-9a-702(3) and City Code §19.92.050

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;***
   In determining whether enforcement of this title will cause unreasonable hardship, the authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought and comes from circumstances particular to the property, not from conditions which are general to the neighborhood. In determining whether or not enforcement of this title would cause an unreasonable hardship, the authority may not find an unreasonable hardship if the hardship is self-imposed or economic. City Code §19.92.050.B

Staff Response:

- The existing dwelling, including the attached garage, currently meets the minimum size and setback standards as prescribed by the Millcreek codes. The current orientation and access of the garage have sufficient depth to accommodate a standard size vehicle.
- The applicant's concerns pertaining to there not be enough room to park a vehicle in the garage, is only an issue caused by the proposed reorientation of the garage access.
- The Applicant has not demonstrated that the "*alleged hardship comes from circumstances particular to the property",* [and] *"not from conditions which are general to the neighborhood*," or that there is an "*unreasonable hardship"*. Instead, the proposed modifications, as proposed in this application would instead seem to be "*self-imposed or economic"*.

2. ***There are special circumstances attached to the property that do not generally apply to other properties in the same district;***
   In determining whether or not there are special circumstances attached to the property, the authority may find that special circumstances exist only if special circumstances relate to the hardship complained of and deprive the property of the privileges granted to other properties in the same district. City Code §19.92.050.B

Staff Response:

- The property is somewhat rectangular in shape and is similar in size to other surrounding properties within the same zone and neighborhood.
- The applicant cites the curvature of the street which allegedly reduces the front yard dimension on the east side of the property, however the curved portion of the street does not immediately touch or affect the applicant's property but instead would seems to be relevant to the adjoining property to the east.

- The applicant also cites homes on either side of their property as "projecting past the front yard setback towards the street". According to the site plan supplied by the applicant, this seems to be true with the home located immediately to the east, however, his does not appear to be true for the property to the west. In either case, these would seem to be circumstances which would be applicable to other properties and are not unique circumstances applicable to the subject property.

The property does **not** appear to have any unique easements or significant change in grade that would "*deprive the property of the privileges granted to other properties in the same district*" was reduced from the standard 50-foot width to a 35-foot width, thus adding 15 additional feet of depth of buildable area to the front of each lot.

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 applicant does have an existing covered garage. There may also be ways of expanding the garage in other directions, without violating a minimum setback or other code requirements.

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

Staff Response:
While the General Plan does promote infill development and supports one's ability to enhance their property, however, reducing the setbacks without just cause would set an undesired precedence of inequality which may lead to alternate scenarios which may be detrimental to the general public interest.

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

Staff Response:
- Although Millcreek supports modifications that would further enhance one's property, such enhancements should not impose on the standards and regulations set forth by the established codes.

Conclusion:
Based on the above findings and other supporting documents contained within this report, the following conclusion(s) can be made:

Based on the findings and analysis above, it is Staff's opinion that the applicant has not met their burden of justifying a request for a variance, according to the criteria listed in Utah Code § 10-9a-702(3) and City Code §19.92.050 and therefore, the request for a variance is not supported by Staff.

Millcreek City Hall
1330 East Chambers Ave
Millcreek, Utah 846
millcreekut.gov

Planning & Zoning
(801) 214-2700
planner@millcreekut.gov

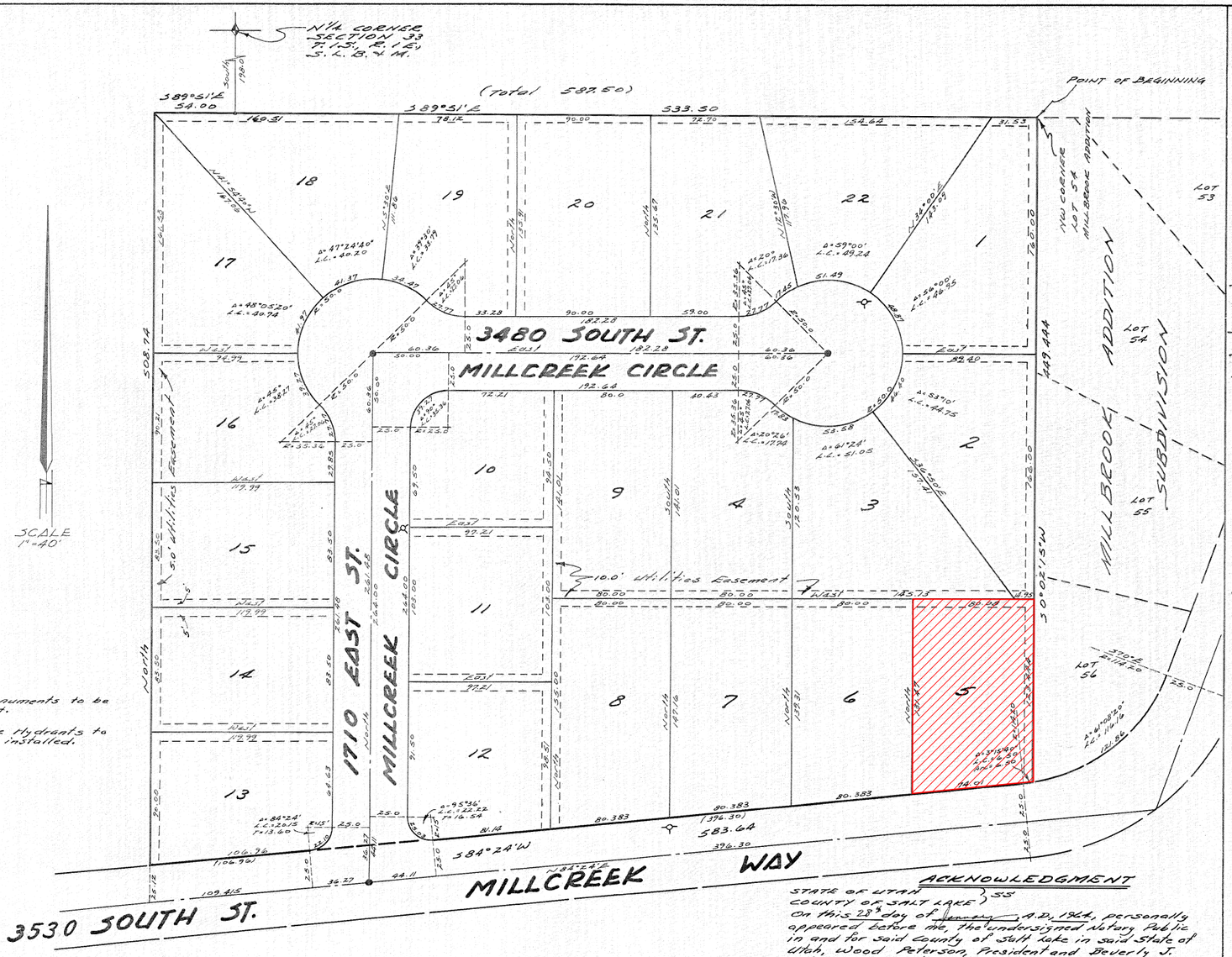
SUPPORTING DOCUMENTS

- Zoning Map/Location Map
- Millbrook Village Subdivision plat.
- Variance Application and Applicant's Request
- Applicant's site plans
- Applicant's photos

Zoning Map

N
Millcreek Cir
R-1-6
Millhollow Cir
Millcreek Cir
R-1-10
R-1-10
Subject Area
Millcreek Way
Millcreek Way
Millcreek Way
Millcreek Way
Honeycut Road
Honeycut Rd
Honey Creek Ln
R-1-10
Canyon Way
Honeycut Rd
Honeybrook Pl
Millbrook Rd
Canyon Way
Honeycut Rd

Location Map
Subject Area
Millcreek Way
Millcreek Way
N



SURVEYOR'S CERTIFICATE

I, ROBERT B. JONES, do hereby certify that I am a Registered Professional Engineer and/or Land Surveyor, and that I hold certificate No. 1525, as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, hereafter to be known as MILLBROOK VILLAGE SUBDIVISION and that same has been correctly surveyed and staked on the ground as shown on this plat.

BOUNDARY DESCRIPTION

COURSE	DIST.	REMARKS
		Beginning at the Northwest Corner of Lot 54, Millbrook Addition Subdivision, said point being
South	198.00	feet and
S89°51'E	533.50	feet from the North Quarter Corner of Section 33, Township One South, Range One East, Salt Lake Base and Meridian, and running thence
S0°02'15"W	449.444	feet along the boundary line of said subdivision to a point on a curve to the right, the center of which is N8°51'40"W 114.20 feet; thence
Southwesterly	6.50	feet along the arc of said curve; thence
S84°24'W	583.64	feet; thence
North	508.74	feet; thence
S89°51'E	587.50	feet to the point of Beginning.

May 9, 1963
DATE

Robert B. Jones
SURVEYOR

OWNER'S DEDICATION

Know all men by these presents that we, the 2 undersigned owner (s) of the above described tract of land, having caused same to be subdivided into lots and streets to be hereafter known as the

MILLBROOK VILLAGE SUBDIVISION

do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for Public use.

In witness whereof we have hereunto set our hand's this 28th day of January A.D., 19 64

HOUSEBRAND CORPORATION
(A UTAH CORPORATION)

Wood Peterson
WOOD PETERSON
PRESIDENT

Beverly J. Peterson
BEVERLY J. PETERSON
SECRETARY

ACKNOWLEDGMENT

STATE OF UTAH }
County of Salt Lake } S.S.

On the 28th day of January A.D., 1964 personally appeared before me, the undersigned Notary Public, in and for said County of Salt Lake in said State of Utah, the signer(s) of the above Owner's dedication, Two in number, who duly acknowledged to me that they signed it freely and voluntarily and for the uses and purposes therein mentioned.

MY COMMISSION EXPIRES: July 2, 1964

Elton R. Dam
NOTARY PUBLIC
RESIDING IN SALT LAKE COUNTY

ACKNOWLEDGMENT

STATE OF UTAH }
COUNTY OF SALT LAKE } SS

On this 28th day of January A.D., 1964, personally appeared before me, the undersigned Notary Public in and for said County of Salt Lake in said State of Utah, Wood Peterson, President and Beverly J. Peterson, Secretary of HOUSEBRAND CORPORATION, a Utah Corporation, who being by me duly sworn did say that they are the President and Secretary of said Corporation and the accompanying instrument was signed by them in behalf of said Corporation by authority of a Resolution by its Board of Directors and Wood Peterson and Beverly J. Peterson duly acknowledged to me that said Corporation executed the same.

Residing in Salt Lake County, Utah

Elton R. Dam

My Commission Expires July 2, 1964
DATE

NOTARY PUBLIC

MILLBROOK VILLAGE SUBDIVISION

A SUBDIVISION LOCATED IN NORTH ½ SECTION 33
TOWNSHIP ONE SOUTH, RANGE ONE EAST
SALT LAKE BASE & MERIDIAN

SALT LAKE CO. BOARD OF HEALTH APPROVAL

APPROVED THIS 25th DAY OF September A.D., 1963

Assist: Edward B. Jackson
DIRECTOR — S. L. CO. BOARD OF HEALTH

PREPARED BY
BUSH & GUDGELL, INC.
ENGINEERS
421 South 5th East St.
Salt Lake City, Utah
EM4-7775

No	REVISIONS BEFORE RECORDING
6	
5	
4	
3	
2	
1	JANUARY 16, 1964 C.R.D.

B&G# 16,023 L.G.V.

COUNTY PLANNING COMMISSION APPROVAL

APPROVED THIS 14th DAY OF MAY A.D., 1963 BY THE SALT LAKE COUNTY PLANNING COMMISSION

CHAIRMAN, SALT LAKE CO. PLANNING COMM.

COUNTY SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE HAD THIS PLAT, AND SAID TRACT, AS STAKED, EXAMINED BY THIS OFFICE; AND IT IS CORRECT AND IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.

Feb. 26, 1964.
DATE

Roger Bodin
SALT LAKE COUNTY SURVEYOR

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 28th DAY OF February A.D., 1964

SALT LAKE COUNTY ATTORNEY

COUNTY COMMISSION APPROVAL & ACCEPTANCE

PRESENTED TO THE BOARD OF SALT LAKE COUNTY COMMISSIONERS THIS 28th DAY OF February A.D., 1964 AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

SALT LAKE COUNTY CLERK

CHAIRMAN, BD. OF SALT LAKE CO. COMM.

RECORDED # 1983139

STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF Security Title Co.

DATE 4/2/64 TIME 2:37 PM BOOK 38 PAGE 2

18.50
FEE $

Hazel Paggett Chase
SALT LAKE COUNTY RECORDER

FORM APPROVED BY BOARD OF SALT LAKE COUNTY COMMISSIONERS, MARCH 25, 1963.

"SALT LAKE BLUE" IMPERIAL

BB 2

BB 2

April 3, 2025

To: City of Millcreek Zoning
1330 E Chambers Avenue
Millcreek, UT 84106

Re: Letter of intent - Request for Variance on Front Yard Setback to 25' on
Parcel 16332030120000
1761 E MILLCREEK WY

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:

   If the title is enforced and variance is not granted, there will not be enough room in the existing garage to park a car, close the garage door and enjoy safe access into the home through the door and up the steps.

2. There are special circumstances attached to the property that do not generally apply to other properties in the same district:

   Special circumstances on this particular property include the curved street that reduces the front yard dimension on the east side of the property. The adjacent home on the west projects past the property front yard setback towards the street and the adjacent home on the east projects past the property front yard setback towards the street.

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

   A 25' front yard setback on the property would allow the owner to enjoy the full front yard property with landscaping and outdoor amenities. The car would fit in the garage and out of sight of the neighborhood.

   If the garage cannot be extended, the owner will not be able to park the car in the garage and have safe access to the home using the steps in the garage and operating the door.

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

   The variance will not be contrary to the public interest as adequate space will exist in the new front yard setback for off street parking if needed. The spirit of the title is also to enhance the neighborhood with landscaped front yards and the smaller driveway will allow more room for improved landscaping of the yard.

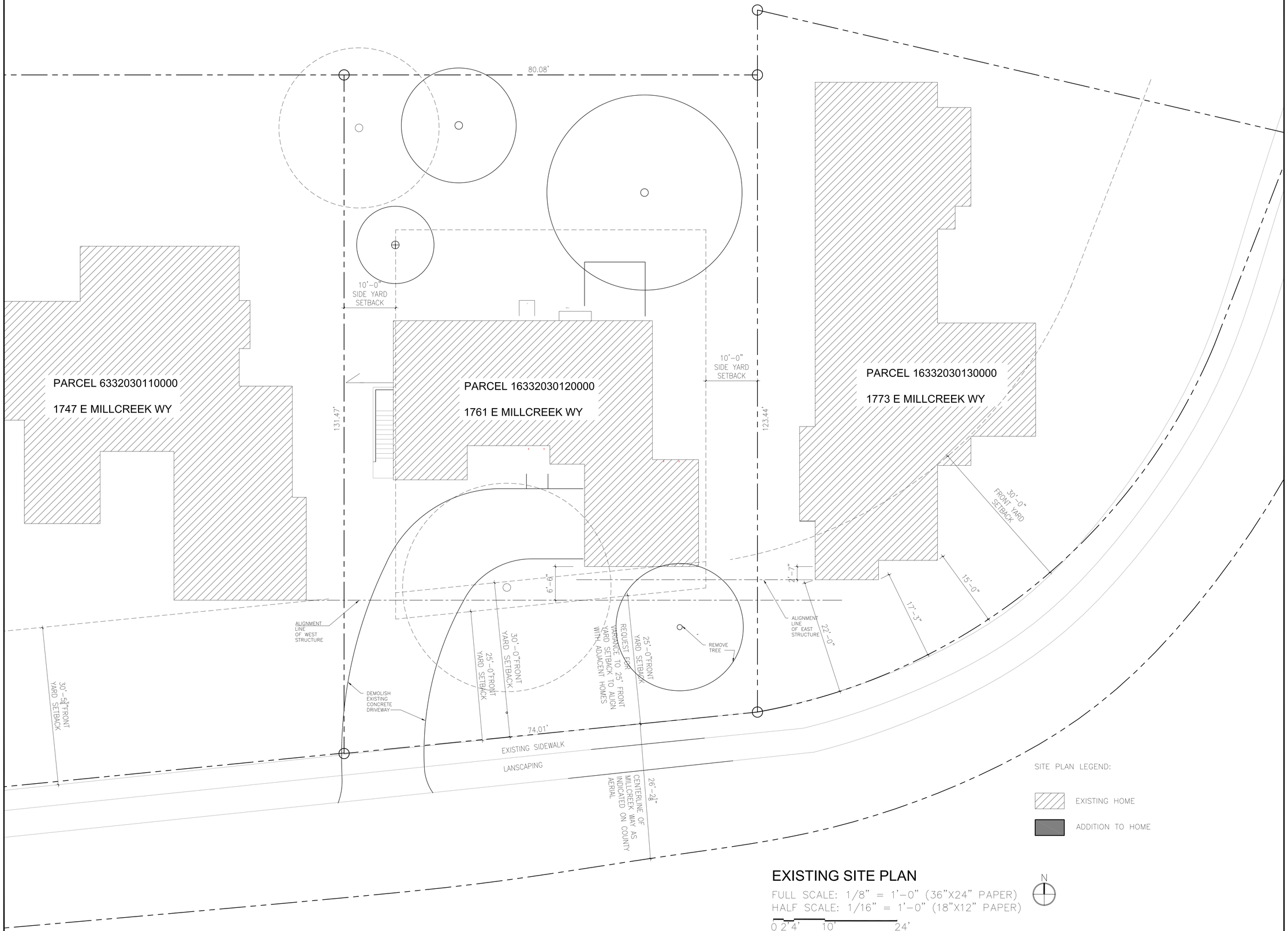
5. The spirit of this title is observed and substantial justice is done:

Justice will be done by allowing this property's structures to align with the structures on the neighbor's property directly to the east and west of this property.

Sincerely,

Sandra Geary

Attachments:
Existing Site Plan
Proposed Site Plan
Existing Garage Drawing
Photographs



EXISTING SITE PLAN

FULL SCALE: 1/8" = 1'-0" (36"X24" PAPER)
HALF SCALE: 1/16" = 1'-0" (18"X12" PAPER)

CONTRACTOR:

CONTRACTOR:
TBD

ARCHITECT:

MARTHA MITCHELL
617 E BRIARSPRINGS CIR.
MIDVALE, UT
84047
801-915-3531
marti.mitchell67@gmail.com

DRAFT -
NOT FOR
CONSTRUCTION

PROJECT NAME

GEARY HOME
REMODEL

PROJECT ADDRESS

1761 E MILLCREEK WAY
MILLCREEK,
UT 84106

DRAWING ISSUE:

DRAFT DESIGN
DRAWINGS
NOT FOR
CONSTRUCTION

REVISIONS:

SCALE

PROJECT NO.

DATE

MARCH 24, 2025

DRAWING NAME

EXISTING
SITE
PLAN

AS-1

DRAWING NUMBER

PROPOSED SITE PLAN

FULL SCALE: 1/8" = 1'-0" (36"X24" PAPER)
HALF SCALE: 1/16" = 1'-0" (18"X12" PAPER)

CONTRACTOR:

CONTRACTOR:
TBD

ARCHITECT:

MARTHA MITCHELL
617 E BRIARSPRINGS CIR.
MIDVALE, UT
84047
801-915-3531
marti.mitchell67@gmail.com

VARIANCE SUBMISSION

PROJECT NAME

GEARY HOME REMODEL

PROJECT ADDRESS

1761 E MILLCREEK WAY
MILLCREEK,
UT 84106

DRAWING ISSUE:

DRAFT DESIGN DRAWINGS NOT FOR CONSTRUCTION

REVISIONS:

SCALE

PROJECT NO.

DATE

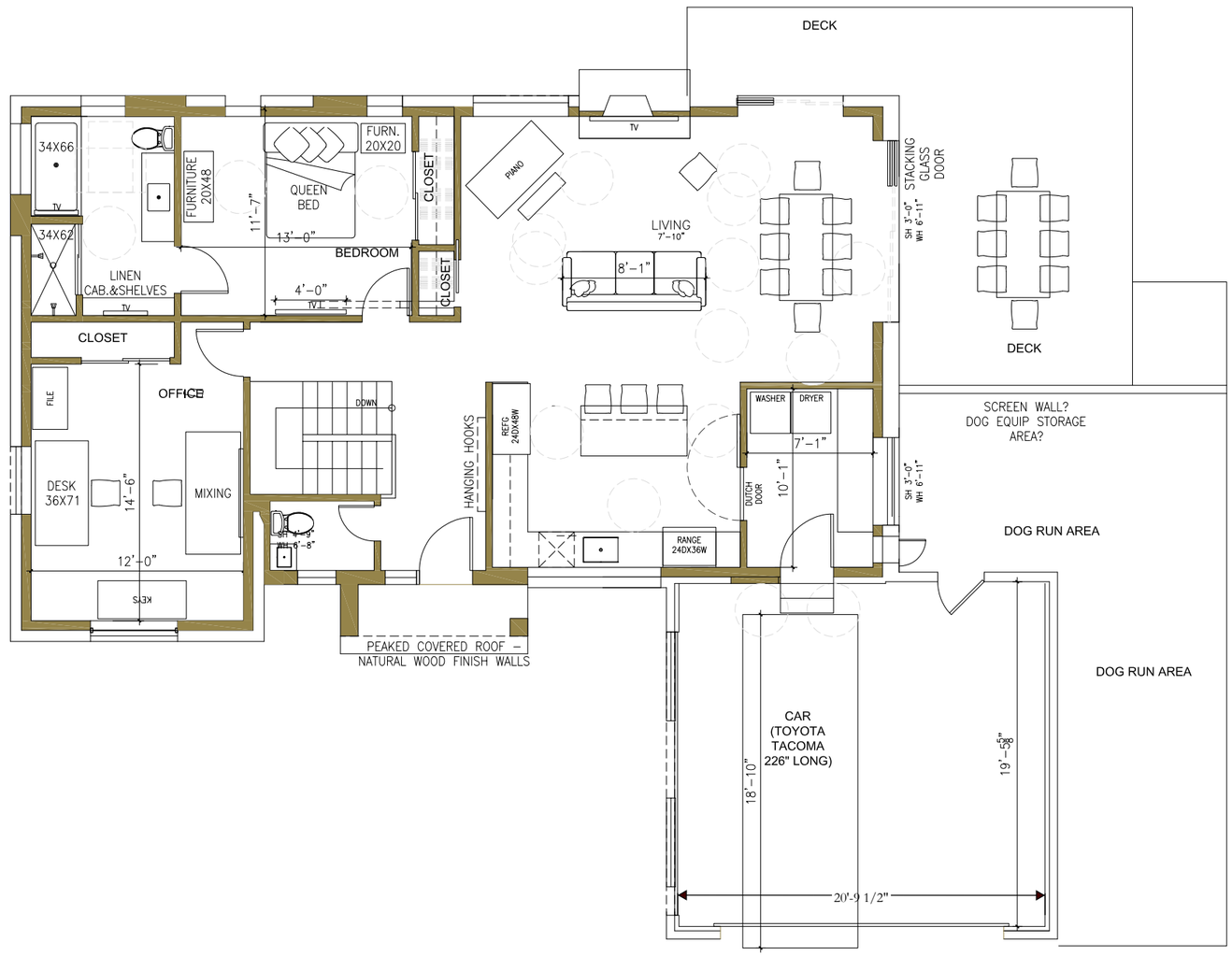
APRIL 1, 2025

DRAWING NAME

NEW SITE PLAN

AS-2

DRAWING NUMBER



EXISTING GARAGE SIZE

SALT LAKE COUNTY
RECYCLES