

1. Public Hearings Notice (PDF)

Notice is hereby given that the Millcreek Land Use Hearing Officer will hold four hearings at approx. 2:00 p.m. on Thursday, July 10, 2025, at City Hall, 1330 E. Chambers Avenue, Millcreek, Utah 84106: 1) LUHO- 25- 005, Margy Maher is seeking approval to enclose an existing non-complying carport located at 2540 E Lambourne Avenue; 2) LUHO- 25- 008, Zoe Parmeter is seeking approval to convert an existing non-complying accessory structure into an accessory dwelling unit (ADU) located at 809 E 4280 S; 3) LUHO- 25- 006, Greg Whisenant is seeking a variance to construct a new residential home within a sensitive land area located at 1277 E Ridgedale Lane; and 4) LUHO- 25- 007, Morgan Evans is seeking a variance to the front yard setback of property located at 3665 S Wild Rose Lane. For more information, please visit [HTTPS://WWW.MILLCREEKUT.GOV/AGENDACENTER](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](mailto:ADAINFO@MILLCREEKUT.GOV) or 801- 214- 2751.

Documents:

[LUHO-25-005 STAFF REPORT .PDF](#)  
[LUHO-25-006 STAFF REPORT.PDF](#)  
[LUHO 25-007 STAFF REPORT.PDF](#)  
[LUHO-25-008 STAFF REPORT .PDF](#)

**Millcreek City Hall**  
1330 E Chambers Ave  
Millcreek, Utah 84106  
millcreekut.gov



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

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LUHO-25-005

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## Land Use Hearing Staff Report

**Meeting Date:** 7/10/2025

**Applicant:** Margy Maher

**Re:** Expand a Non-Compliant Structure

**Property Address:** 2540 E Lambourne Ave

**Zone:** R-1-8

**Prepared By:** Zack Wendel

### REQUEST AND SYNOPSIS

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The applicant is seeking approval to enclose and expand an existing non-complying carport located at 2540 E Lambourne Ave. The property listed contains a non-complying partially enclosed carport which is proposed to be fully enclosed as a garage and the existing roof structure to be replaced.

The existing carport is 2 feet from the west side property line and has a height of 13 feet 8 inches at the front and 15 feet 4 inches at the rear due to the slope of the site. The new garage is proposed in the existing location of the carport but with a height increase of 14 inches, bringing the front height to 14 feet 10 inches and the rear 16 feet 6 inches.

Millcreek's Accessory Structure Ordinance requires that detached accessory structures to be 30 inches from the rear and side property line for heights up to 14 feet. For heights over 14 feet the setback increases an inch for every inch over 14 feet. Accessory structures must also adhere to the building envelope for the zone the property is located in. ([MKZ 18.59 Accessory Structures](#))

The Land Use Hearing Officer may allow for a noncomplying structure to be enlarged pursuant to Millcreek's Nonconformities Code ([MKZ 18.60.050](#)).

#### 18.60.050 Noncomplying Structures

Expansion and Enlargement. A noncomplying structure may be expanded or enlarged upon a permit authorized by the land use hearing officer, provided that the land use hearing officer shall find the following:

1. The addition, enlargement, or reconstruction of the structure at a new location complies with the

standards and regulations of the current zone and the applicable requirements of this title.

2. The addition to, enlargement of, moving of, or reconstruction of the structure at a new location of the lot is compatible with existing development within a reasonable distance in terms of height, mass, applicable building envelope requirements, and lot or parcel coverage; and
3. The addition to, enlargement of, moving of, or reconstruction of the structure at a new location of the lot will not be detrimental to the health, safety and general welfare of persons residing within a reasonable distance of the subject property.
4. The cumulative expansion since the structure became nonconforming does not exceed 50% of the structure's height, footprint, lot or parcel coverage, and/or area when it became nonconforming.

The Land Use Hearing Officer may impose conditions and limitations upon issuance of a permit for an addition to, enlargement of, moving of, or reconstruction of a structure as necessary to prevent or mitigate adverse effects on other properties in the neighborhood of the subject property, consistent with the standards of this Title.

## **FINDINGS, CONCLUSIONS, & RECOMMENDATION**

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### **Findings:**

1. Non-conforming structures may be expanded according to the terms set forth in the land use ordinance. [MKZ 18.60.050](#).
2. The property is currently located within the R-1-8 Zone.
3. According to the Office of the Salt Lake County Recorder, the existing carport and patio appears to have been originally built in 1970.
4. The footprint of the existing carport and patio will not be expanded.
5. The renovation of the existing carport to an enclosed garage will increase the height of the structure.
6. Current Millcreek Code requires that detached accessory structures to be 30 inches from the rear and side property line for heights up to 14 feet. For heights over 14 feet the setback increases an inch for every inch over 14 feet. The existing structure is only 2 feet from the west property line.
7. Current Millcreek Code requires that detached accessory structures must adhere to the building envelope associated with the zone the property is located in. With the height increase the structure will not meet the building envelope requirements.

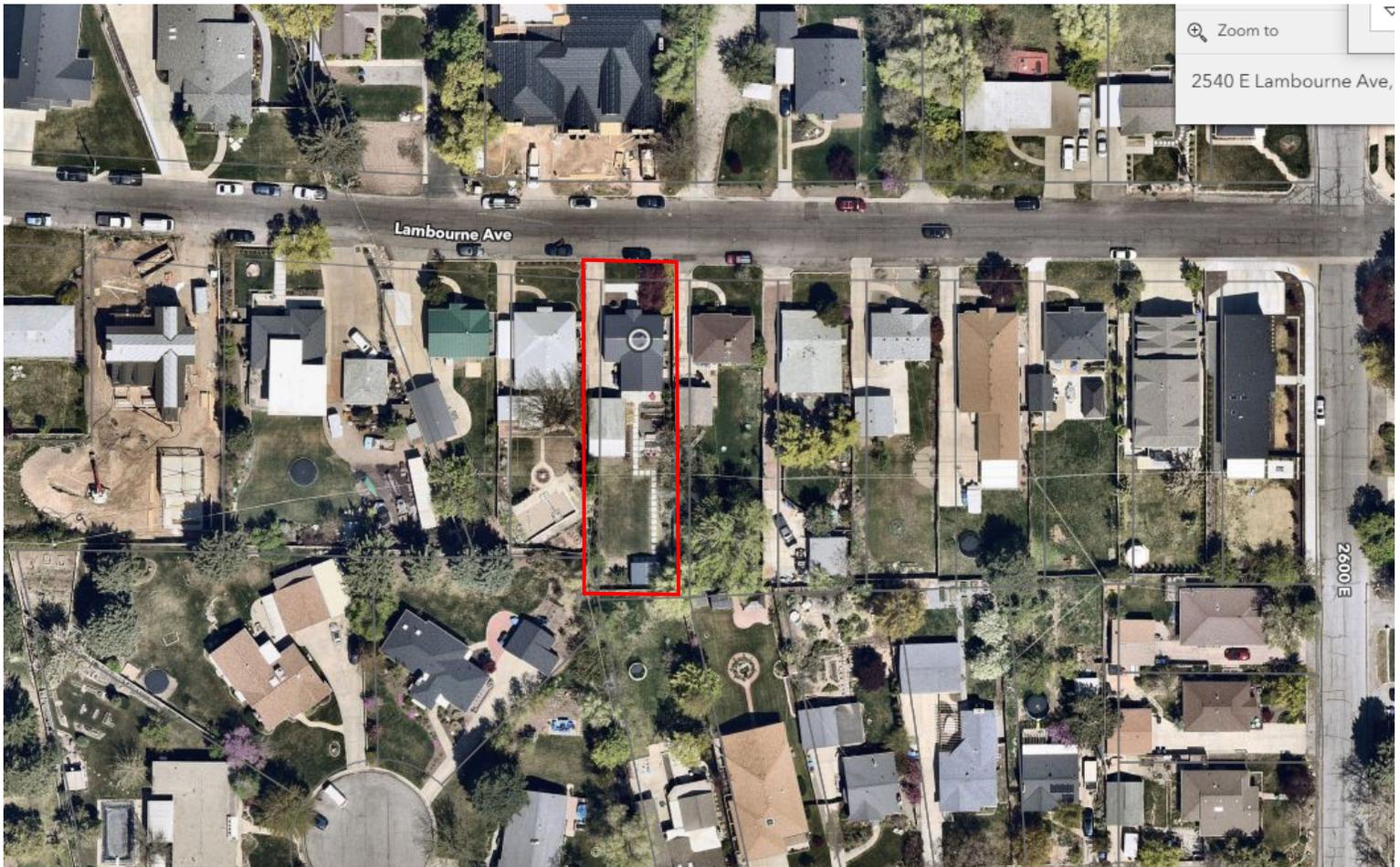
### **Conclusions:**

1. The rest of the scope of work for the remodel of the existing carport will comply with the other standards and is both compatible and in harmony with the intent of the established requirements as set forth by Millcreek Code.
2. The addition will not be detrimental to the health, safety and general welfare of persons residing within a reasonable distance of the subject property, nor does it impose any unreasonable burden upon the lands located in the vicinity of the nonconforming use or structure and otherwise meets the criteria set forth by Millcreek Code [MKZ 18.60.050](#)

## SUPPORTING DOCUMENTS

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- Aerial Image
- Letter of Intent
- Plan Set
- Additional Documents





**357 SOUTH 200 EAST #211  
SALT LAKE CITY, UT 84111  
WWW.BRACHDESIGN.COM  
801-865-7648**

May 23, 2025

Millcreek City Planning Commission  
Project: Bolt Garage  
Address: 2540 E Lambourne Ave

To whom it may concern,

The property listed above contains an a non-complying partially enclosed carport which is proposed to be fully enclosed as a garage, and the existing roof is to be replaced. We are requesting 14" additional height for the new roof structure while maintaining the same roof pitch and footprint of the existing carport.

The existing carport is two feet from the west side property line and measures 13'-8" at the front (North) facade and 15'-4" at the rear (South) facade due to the slope of the site. The measurements with the additional height would be 14'-10" and 16'-6" respectively.

The structure is 80 feet from the street and is partially hidden behind the primary structure on the lot and is only briefly visible to passersby when approaching the house from the West. We strongly believe the impact of the additional height of the structure will be very minimal and will not be detrimental to the existing development and its residents.

Thank you,

Dave Brach, Architect  
dave@brachdesign.com

# BOLT GARAGE

2540 E LAMBOURNE AVE  
SALT LAKE CITY, UT 84109



BRACH DESIGN  
ARCHITECTURE  
801-865-7648  
dave@brachdesign.com

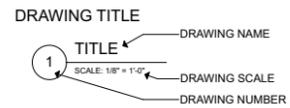
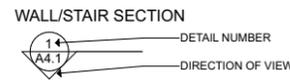
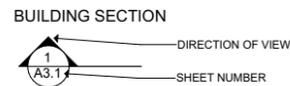
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## ABBREVIATIONS & GRAPHICS

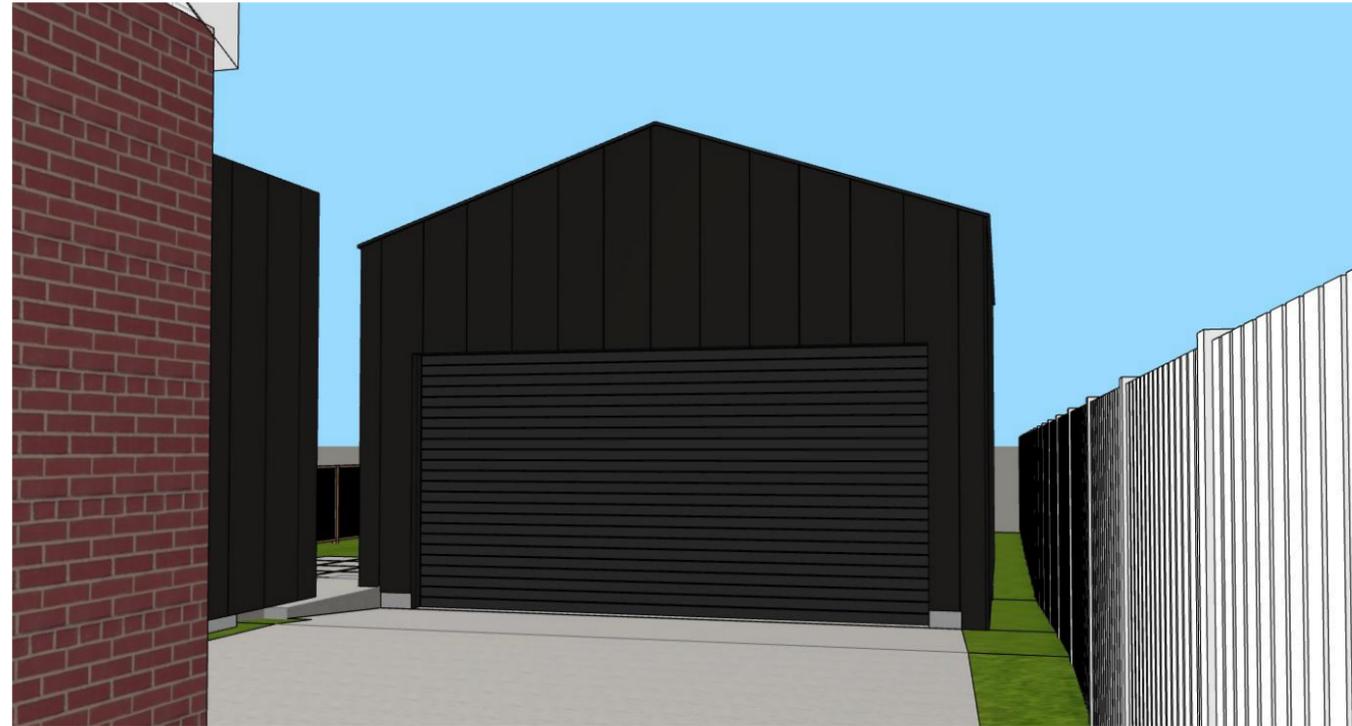
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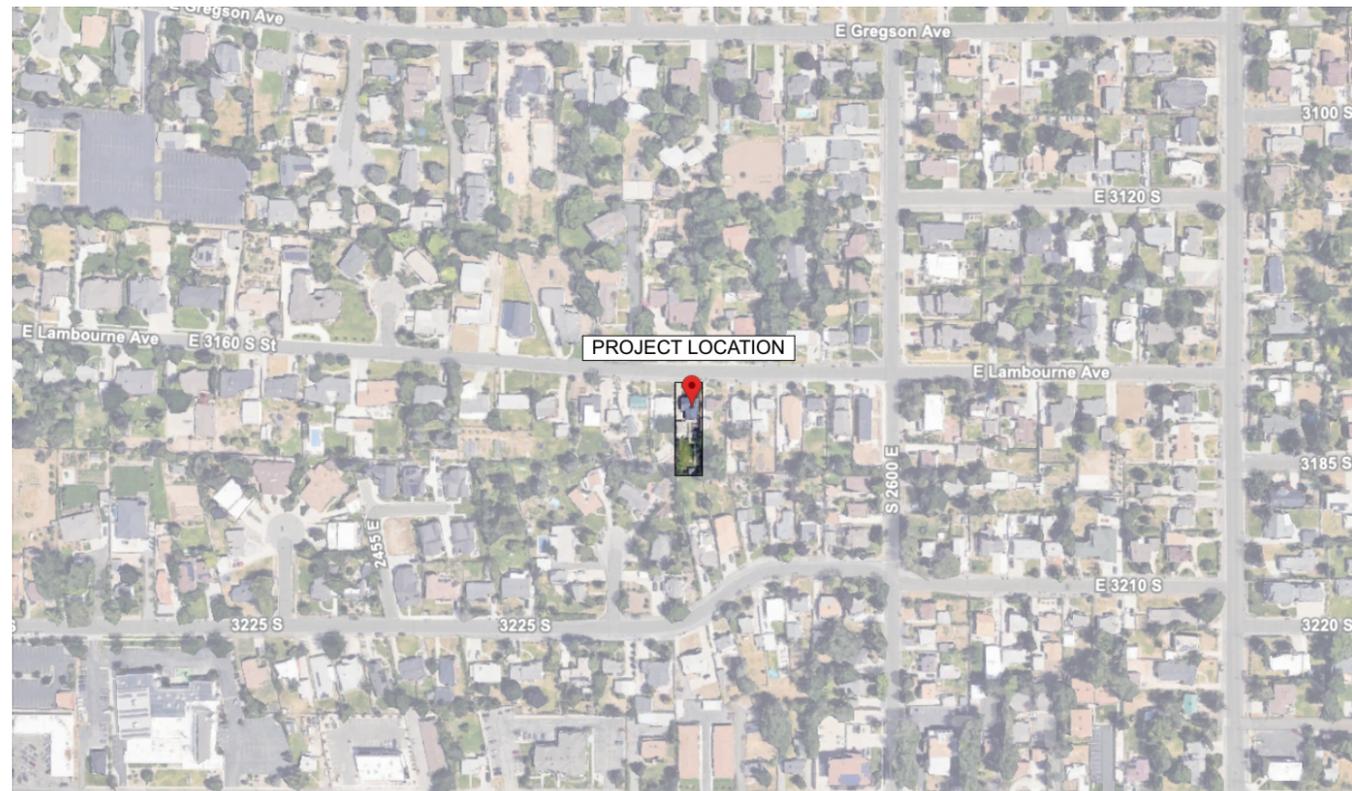
### GRAPHIC SYMBOLS:

-  CONCRETE
-  PLYWOOD
-  STEEL
-  EARTH
-  EPS/XPS INSULATION
-  SPRAY FOAM INSULATION
-  RIGID INSULATION
-  STANDING SEAM METAL
-  STUCCO/EIFS FINISH
-  GYPSUM BOARD
-  FIBERGLASS INSULATION
-  CONTINUOUS STUD/BEAM
-  BLOCKING

## PROJECT RENDERING



## VICINITY PLAN



## SHEET INDEX

ID	Name
	SHEET INDEX
A0.1	COVER SHEET
A0.2	SITE PLAN
A1.1	FLOOR PLANS
A1.2	3D PERSPECTIVES
A1.3	3D PERSPECTIVES
A2.2	NEW ELEVATIONS
A3.1	BUILDING SECTIONS

## GENERAL PROJECT INFO

PROJECT ADDRESS: 2540 E LAMBOURNE AVE  
SALT LAKE CITY, UT 84109

SCOPE OF WORK: ENCLOSE EXISTING CARPORT  
REPLACE EXISTING COVERED PATIO

ZONING DISTRICT: R-1-8

GOVERNING BUILDING CODES: 2021 IRC

ARCHITECT: BRACH DESIGN LLC  
DAVE BRACH RA, CPHC  
801-865-7648  
dave@brachdesign.com

REVISIONS:

NO.	DATE	DESCRIPTION

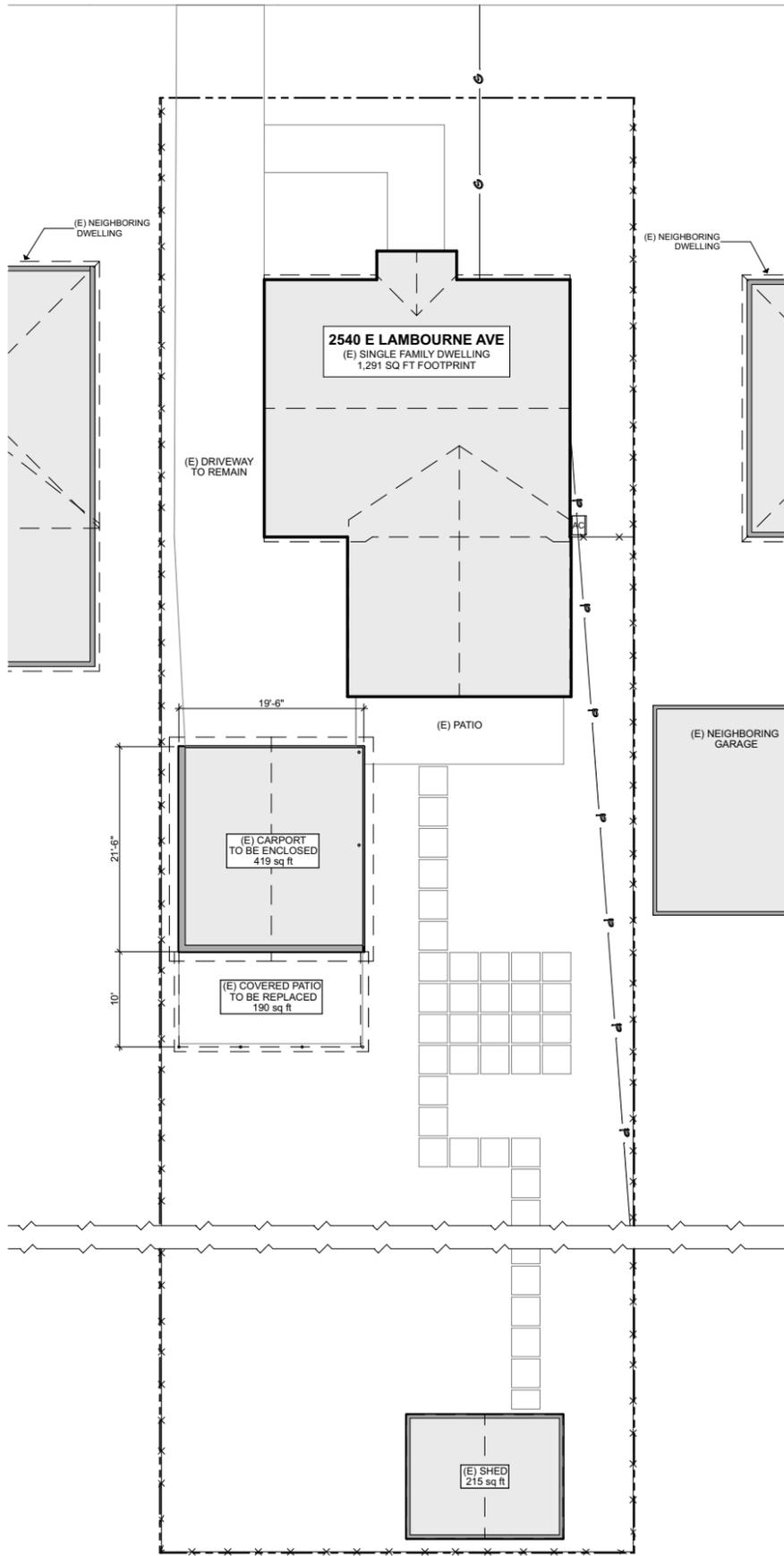
PROJECT NO:

DATE: 6/19/25

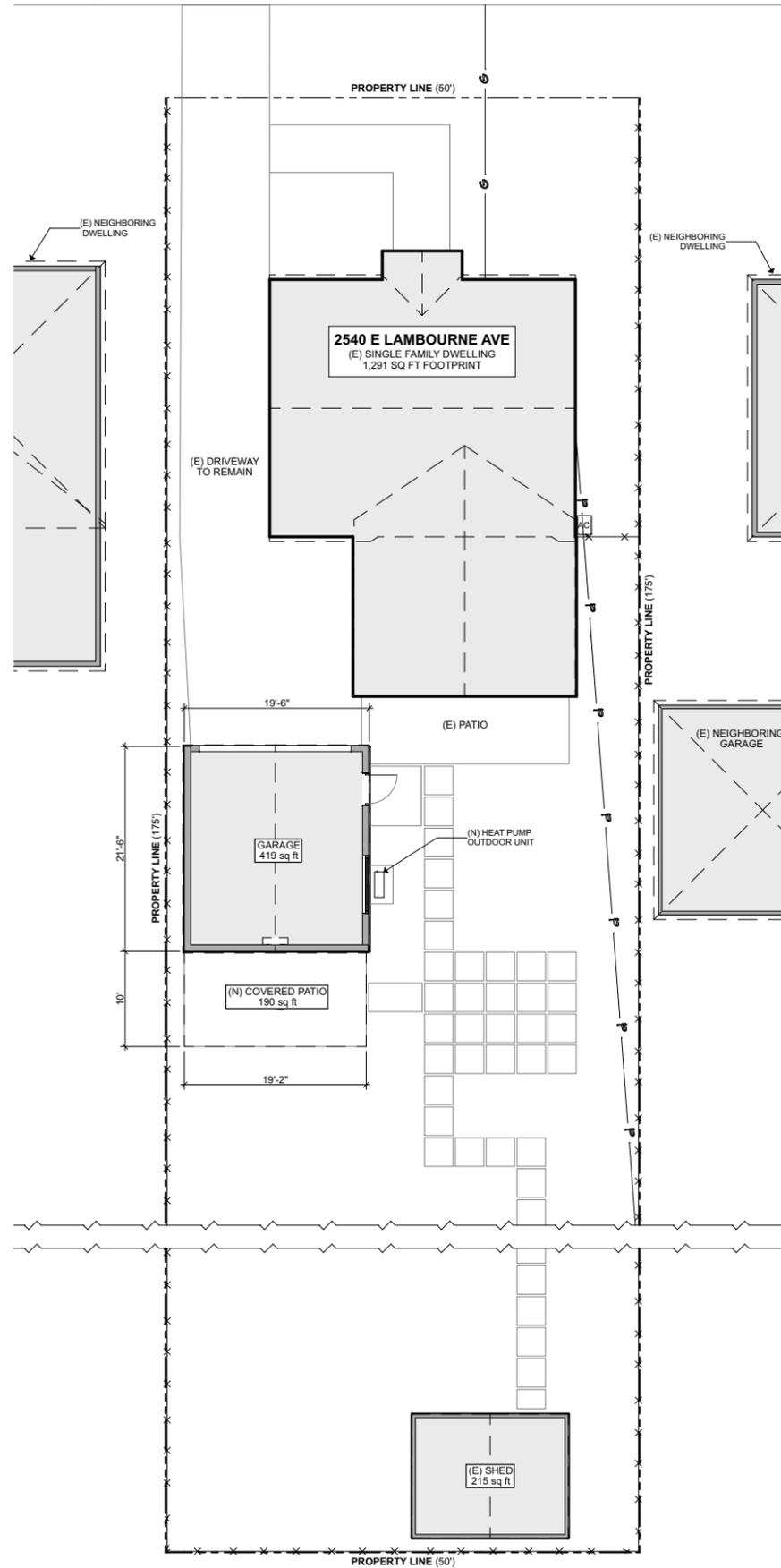
DRAWN BY:

SCALE: AS NOTED IN DRAWING

**COVER SHEET**  
**A0.1**



**2** EXISTING SITE PLAN  
SCALE: 1/8" = 1'-0"



**1** NEW SITE PLAN  
SCALE: 1/8" = 1'-0"



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ARCHITECTURE  
801-865-7648  
dave@brachdesign.com

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LINETYPE LEGEND	
	PROPERTY LINE
	BUILDING SETBACK LINE
	CONTOUR EXISTING
	CONTOUR NEW
	GAS
	WATER
	SEWER
	POWER
	ROOF LINE
	JOIST CENTERLINE
	BEAM/HEADER CENTERLINE
	HIDDEN LINE
	4" PERF PIPE IN GRAVEL BED
	STRAW WATTLE
	TREE PROTECTION FENCE

ACCESSORY BUILDING FOOTPRINT(AREA) CALCULATION	
(E) SINGLE FAMILY DWELLING	1,291 sq ft
(E) CARPORT / (N) GARAGE	419 sq ft
(E) / (N) COVERED PATIO	190 sq ft
(E) SHED	215 sq ft
TOTAL ACCESSORY BUILDING FOOTPRINT	824 sq ft
PERCENTAGE OF PRIMARY STRUCTURE	824 / 1,291 = 63%
MAXIMUM ALLOWED = 60%	

ACCESSORY BUILDING COVERAGE CALCULATION	
LOT AREA	8,750 sq ft
TOTAL ACCESSORY BUILDING FOOTPRINT	824 sq ft
PERCENTAGE OF LOT COVERAGE	824 / 8,750 = 9%
MAXIMUM ALLOWED = 25%	

BOLT GARAGE  
2540 E LAMBOURNE AVE  
SALT LAKE CITY, UT 84109

REVISIONS:

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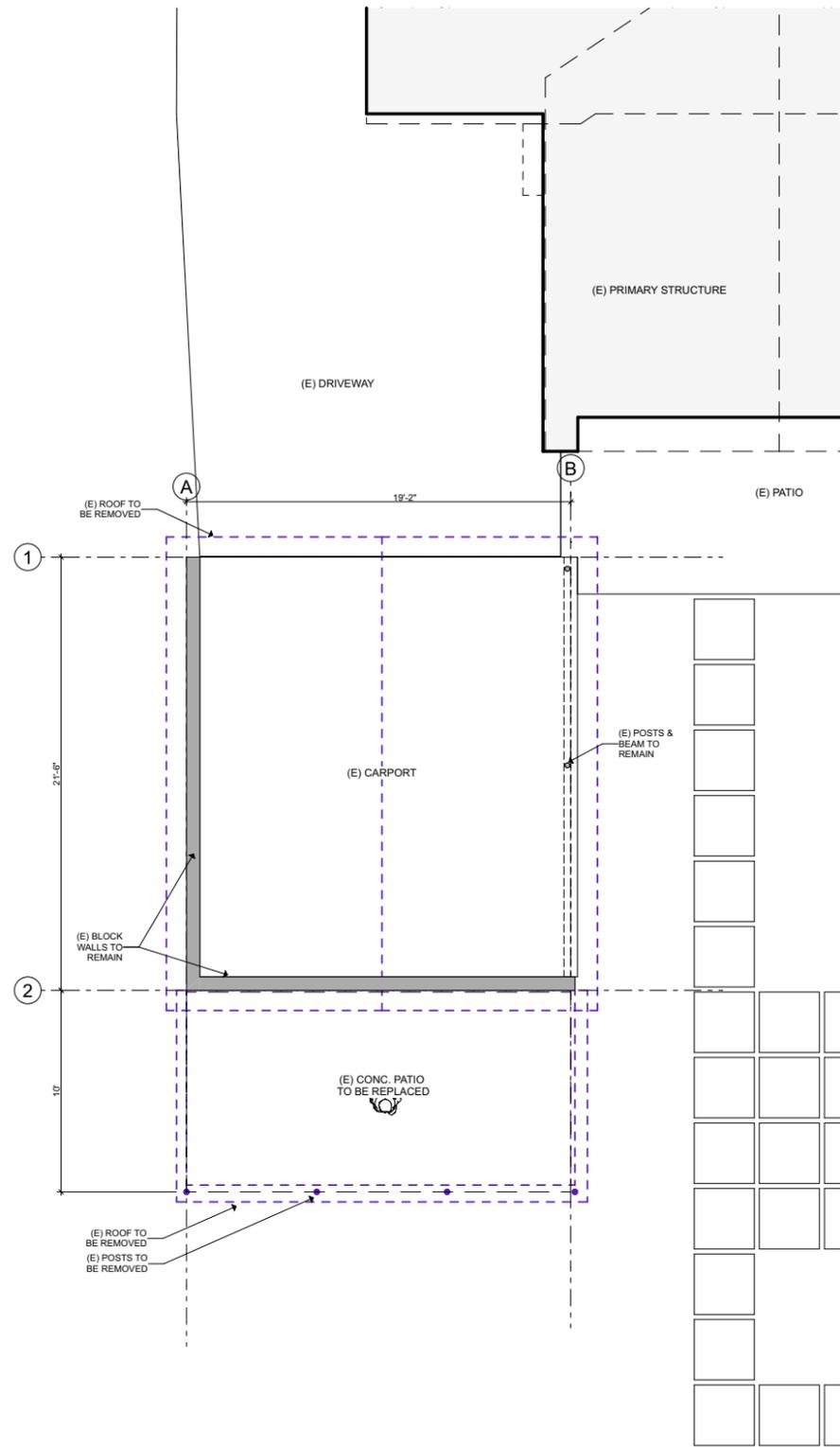
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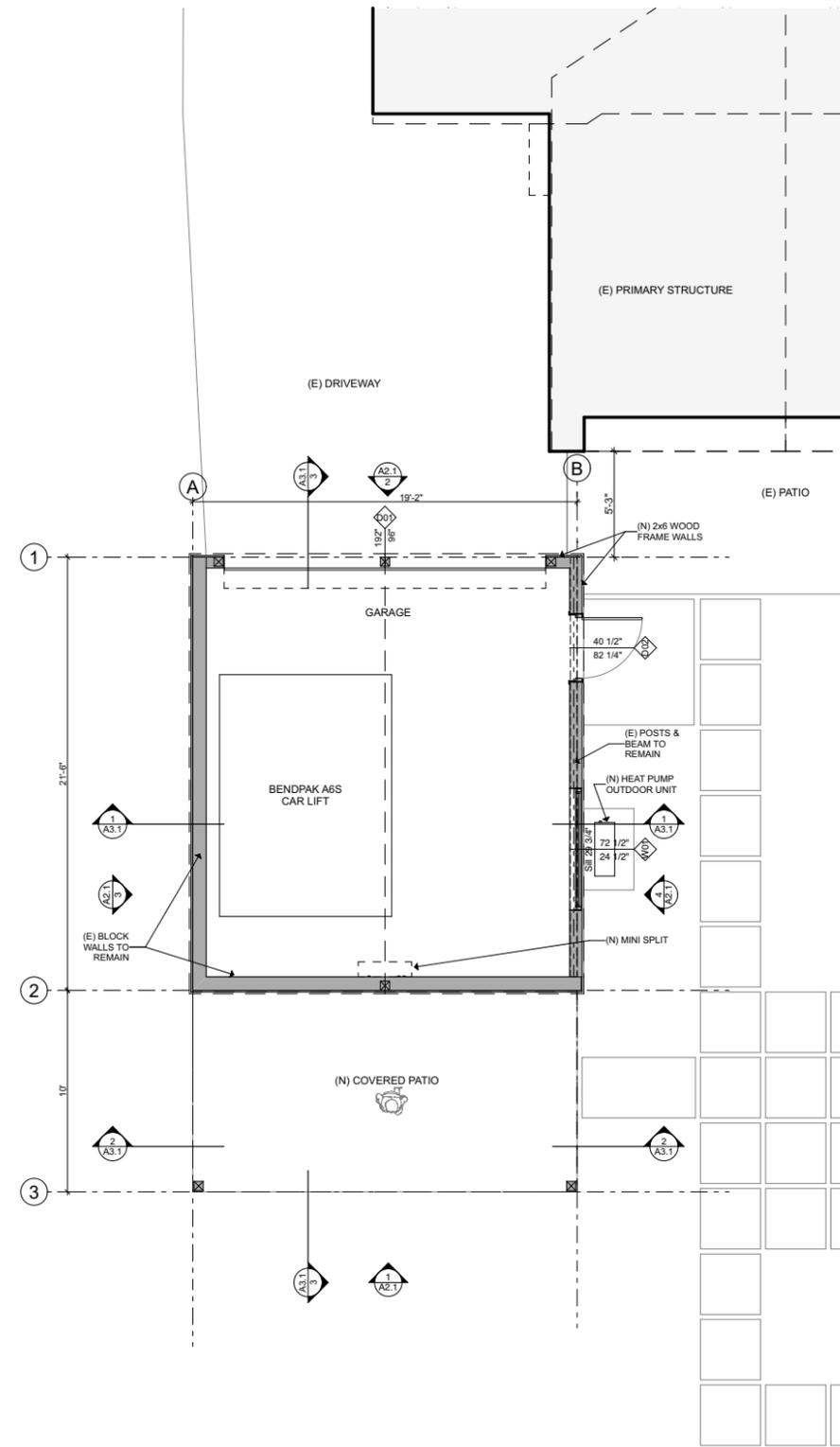
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SITE PLAN  
**A0.2**

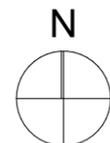
DEMO LEGEND & NOTES	
TO BE DEMOLISHED	
TO REMAIN/EXISTING	



1 FIRST FLOOR - EXISTING / DEMO  
SCALE: 1/4" = 1'-0"



2 FIRST FLOOR - NEW  
SCALE: 1/4" = 1'-0"



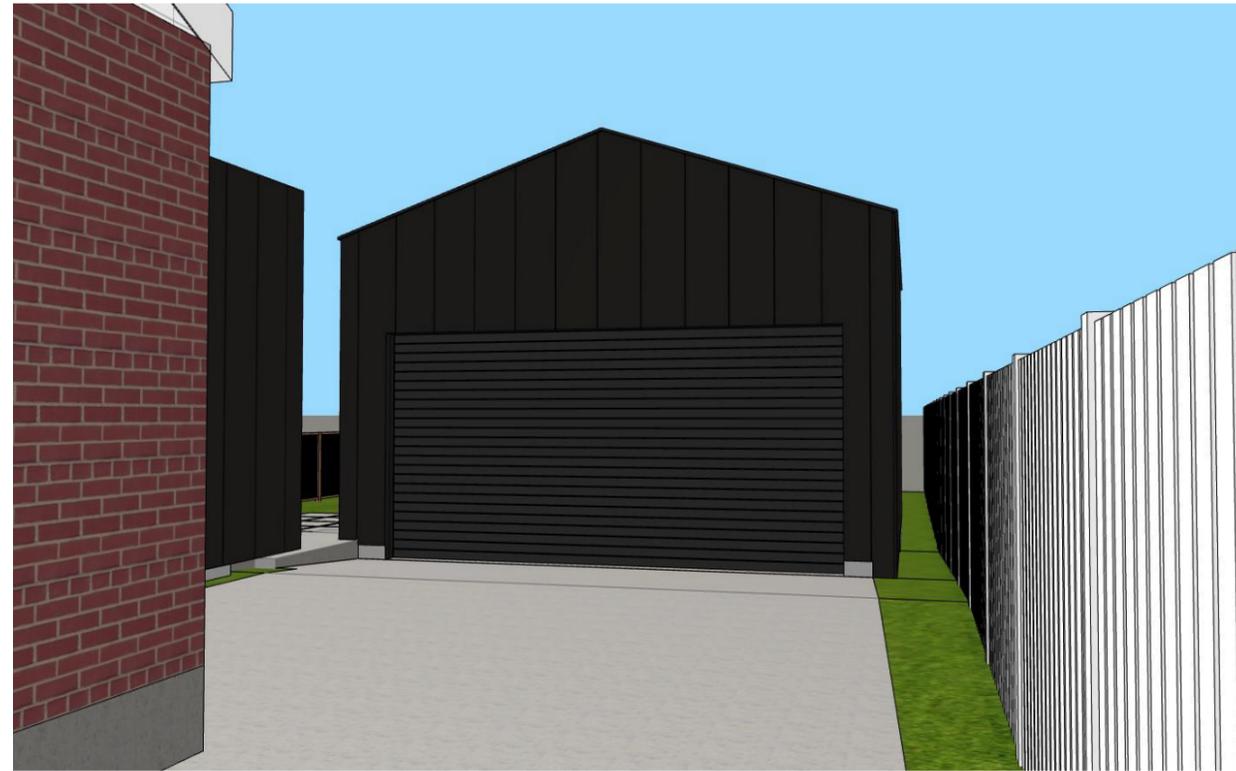
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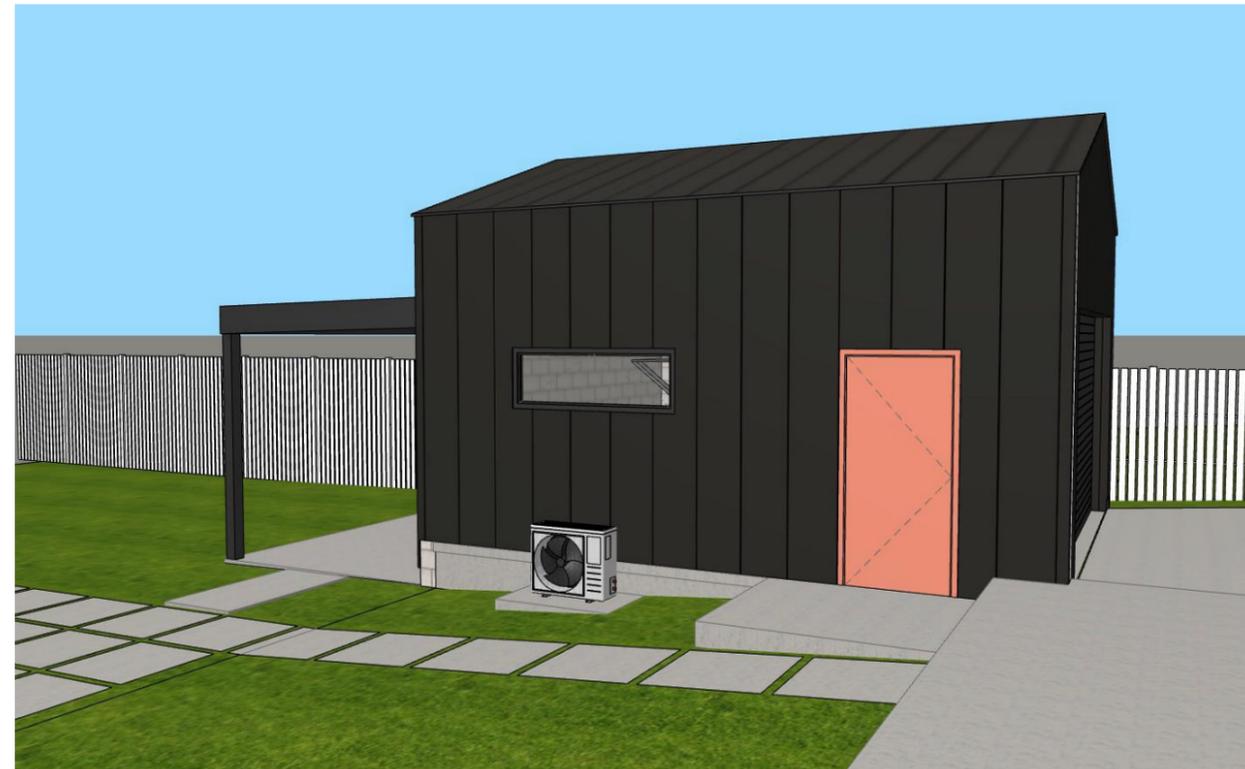
SCALE: AS NOTED IN DRAWING



**1 NORTH VIEW**  
SCALE: 1:64.96



**3 SOUTHEAST VIEW**  
SCALE: 1:64.96



**2 NORTHEAST VIEW**  
SCALE: 1:64.96

REVISIONS:

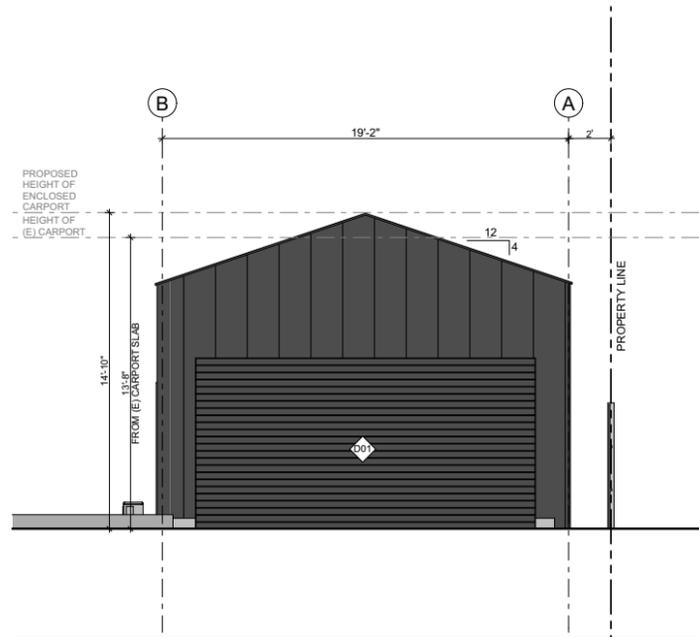

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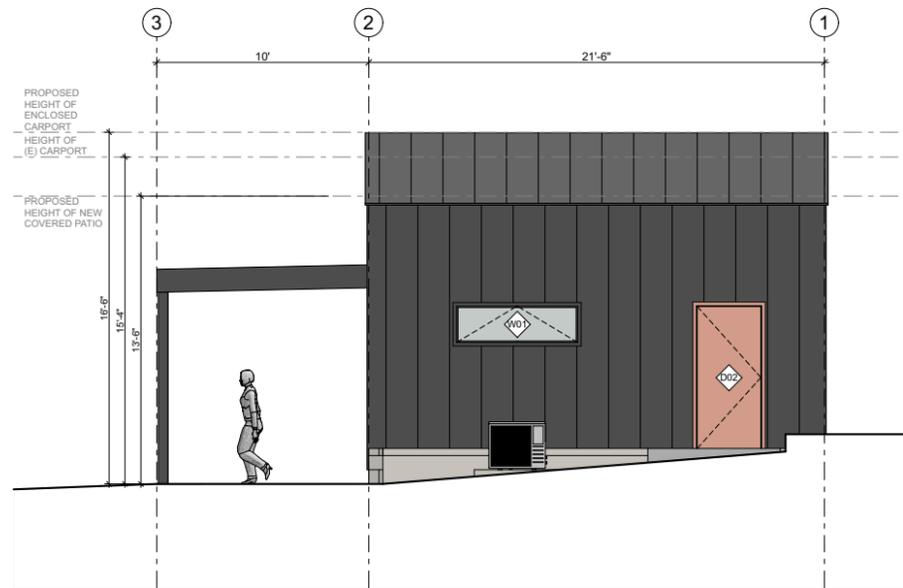
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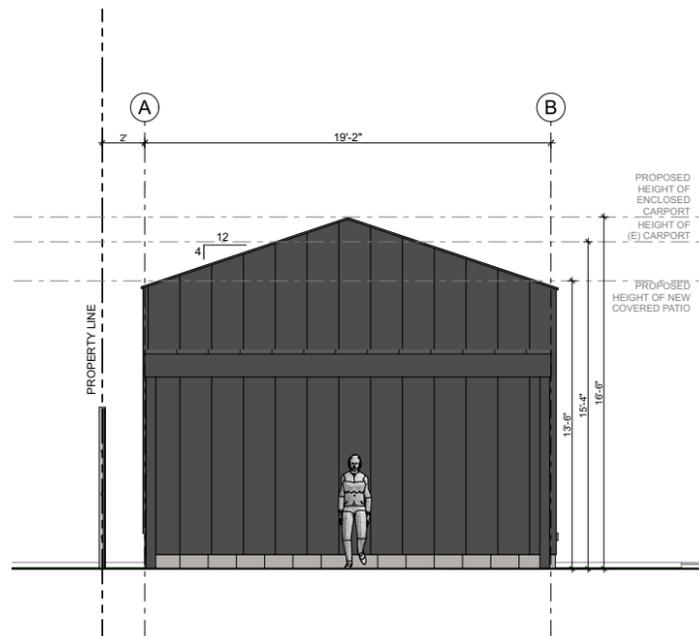
WINDOW AND EXTERIOR DOOR SCHEDULE															
ID	FRONT VIEW	UNIT SIZE		UNIT SIZE HEIGHT- LOW	R.O. SIZE		SILL HEIGHT	OPERATION TYPE	NOTES	MANUFACTURER	SERIES	U-FACTOR	SHGC	COLOR	
		WIDTH	HEIGHT - HIGH		WIDTH	HEIGHT									
D01		16'	8'		16'-10"	8'-10"	-2'-4"	D1 Garage 01 27							
D02		3'	6'-8"		3'-4 1/2"	6'-10 1/4"	-2'-4"	D1 Entrance 27							
W01		6'	2'		6'-10"	2'-10"	2'-5 1/2"	W Awning 1 27							



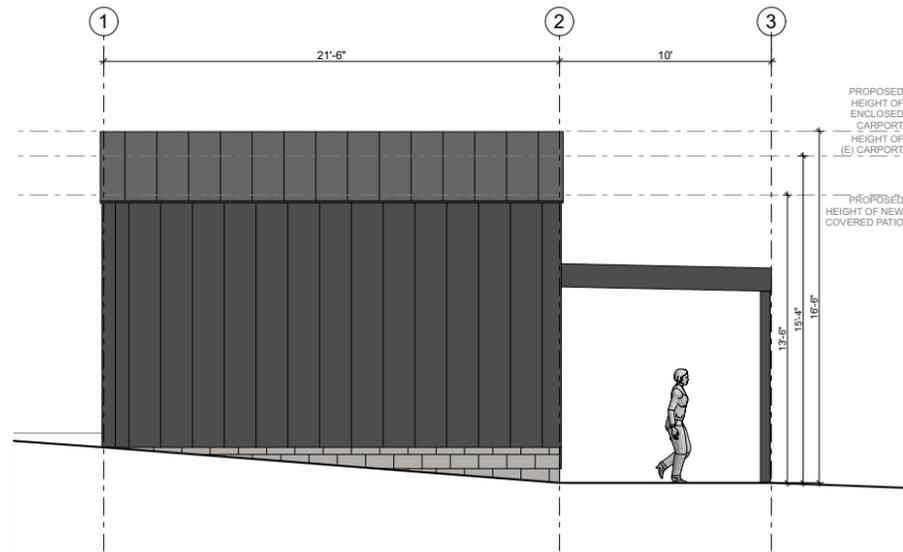
1 (N) NORTH ELEVATION  
SCALE: 1/4" = 1'-0"



2 (N) EAST ELEVATION  
SCALE: 1/4" = 1'-0"



3 (N) SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"



4 (N) WEST ELEVATION  
SCALE: 1/4" = 1'-0"

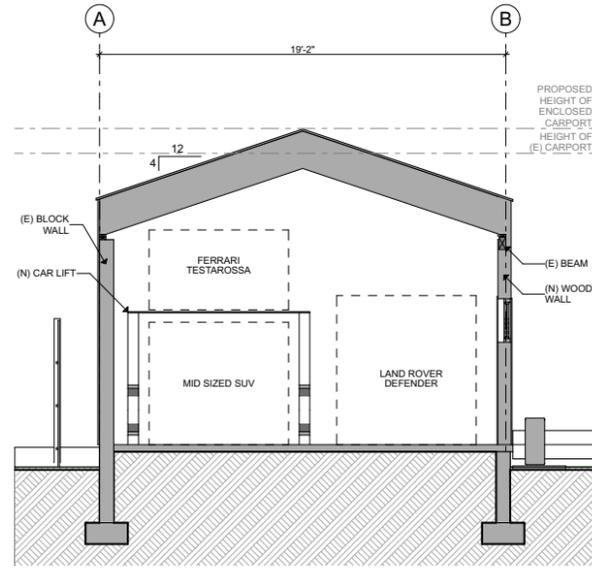
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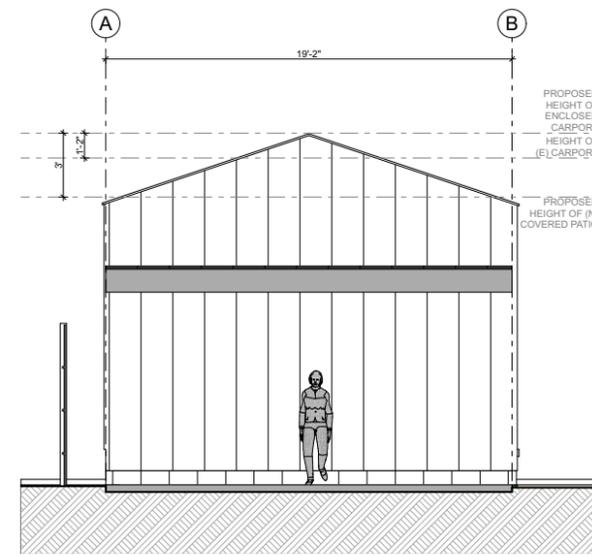
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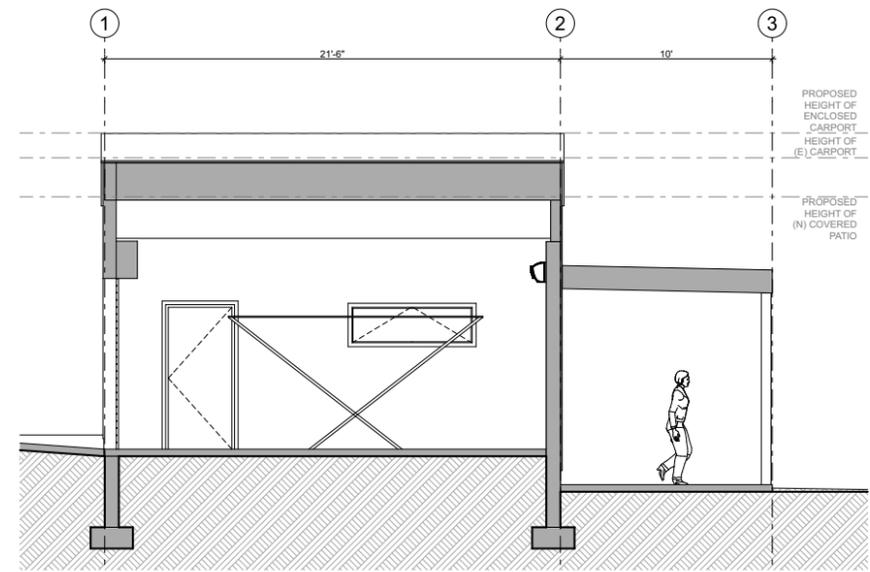
SCALE: AS NOTED IN DRAWING



**1 EW BUILDING SECTION GARAGE**  
SCALE: 1/4" = 1'-0"



**2 EW BUILDING SECTION PATIO**  
SCALE: 1/4" = 1'-0"

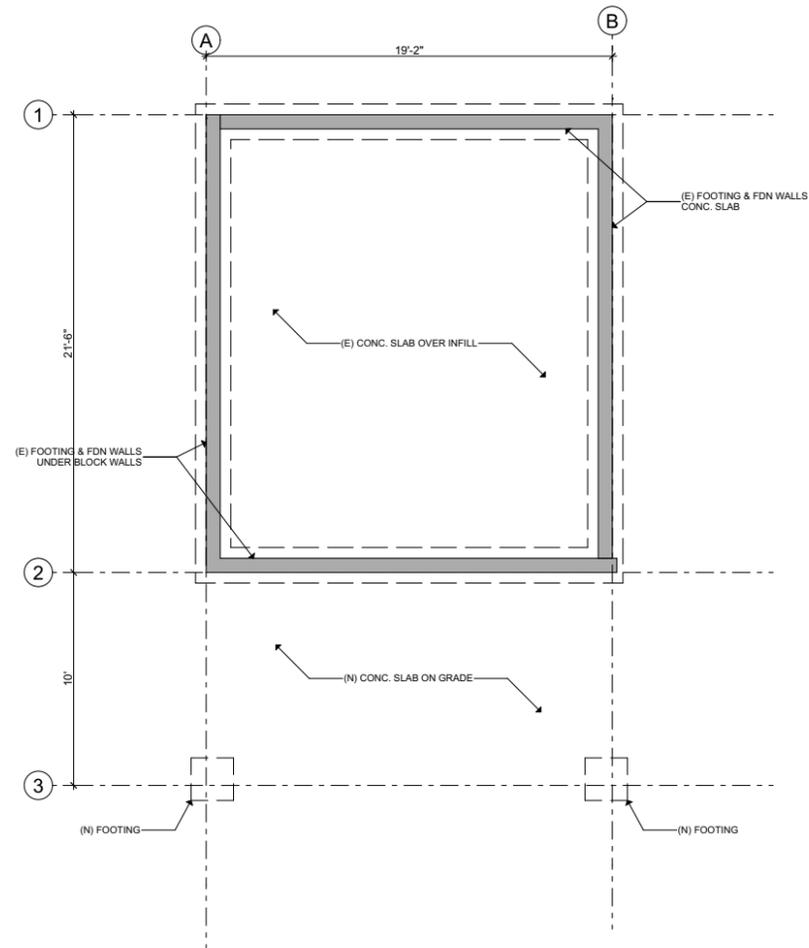


**3 NS BUILDING SECTION**  
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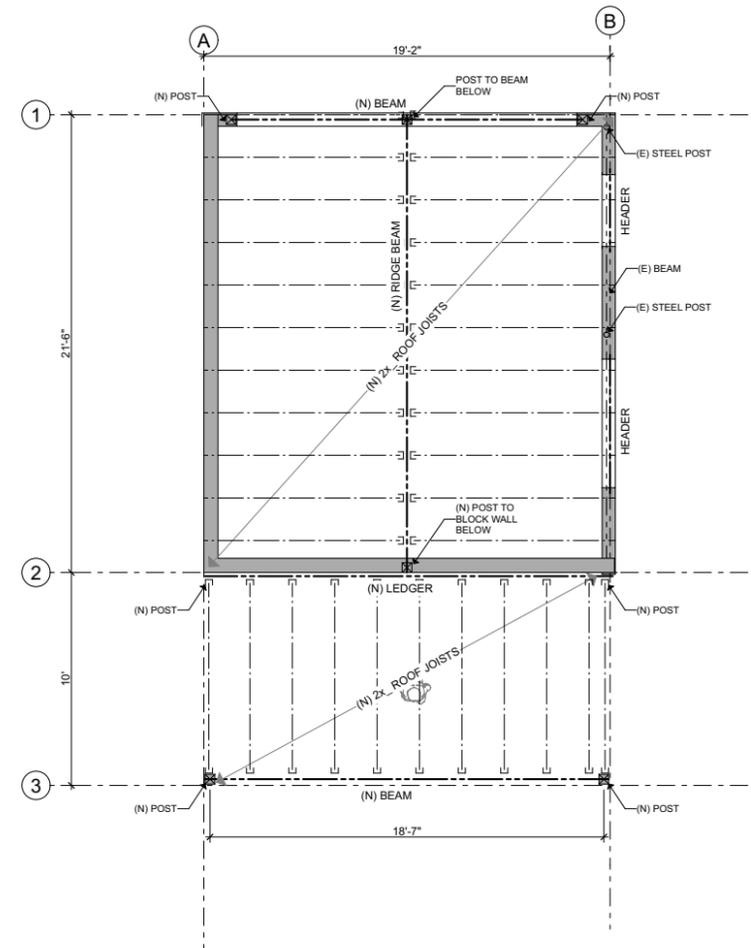
**BOLT GARAGE**  
2540 E LAMBOURNE AVE  
SALT LAKE CITY, UT 84109

REVISIONS:


PROJECT NO:  
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SCALE: AS NOTED IN DRAWING



**1 FOOTING & FOUNDATION PLAN**  
SCALE: 1/4" = 1'-0"



**2 ROOF FRAMING**  
SCALE: 1/4" = 1'-0"

REVISIONS:


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July 10, 2025

**Request Type:** Variance  
**File No:** LUHO-25-006  
**Address:** 1277 East Ridgedale Lane  
**Applicant:** Greg Whisenant  
**Prepared by:** Brad Sanderson, AICP & Jake Green

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### SUMMARY DESCRIPTION

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Greg Whisenant (Applicant) has filed a land use application, seeking a variance to construct a new residential home within a sensitive land area containing a surface fault rupture hazard area, (fault line) also known as a “topographical” or “subsurface feature”. The subject property is located at 1277 East Ridgedale Lane.

The Applicant is proposing to remove the entire residential structure built in 1961, but keep the foundation and then reconstruct a new residential structure in accordance with today’s building codes and standards utilizing the same foundation. However, according to Millcreek’s adopted Sensitive Lands Map, the entire 0.87-acre property is located within a fault line study area. The Sensitive Lands Map more specifically depicts the home as being on top of the actual fault line.

Millcreek’s code, Section 18.60.050.A states “a noncomplying structure may be continued so long as no additions or enlargements are made thereto and no structural alterations are made therein, except as permitted by this chapter or as may be required by law. If a noncomplying structure is removed from the lot or parcel where it was located, each future structure on such lot or parcel shall conform to the provisions of this title.”. However, because the applicant will be removing all of the existing structure, it is thereby disqualified as a noncomplying structure.

More particularly, the applicant is requesting a variance to the following Millcreek codes:

- 1) Millcreek Code Section 18.61.100.C.3., states that “a geotechnical report is required for any development on property subject to a surface fault rupture study area, including additions to existing single-household dwellings”.

Furthermore, Sensitive Lands, are defined as any area that is located within affected areas identified on Millcreek’s Sensitive Lands Maps or, containing sensitive lands features or, areas affected by geological hazards as identified in a Geotechnical Report, topographical survey, or soils study.  
Millcreek Code §18.61.020.A

Sensitive land features include either topographical or subsurface features including, “soils, saturated soils, and soil structures such as areas of liquefaction potential, surface fault rupture hazard areas, and debris flow areas. Soil types used to determine surface stability, foundation stability, movement



potential, depth to bedrock, and shallow water table levels, may also reveal factors to consider for avoidance/preservation and/or design modifications when determining the extent of sensitive lands. Millcreek Code §18.61.030.B.

- 2) Millcreek’s code contains certain development limitations and prohibitions on properties with topographical or subsurface features such as, “fault lines, scarps, landslides, rock outcroppings, rock-fall, alluvial, fans and mud/debris flow areas”; stating that “all new development (...) “shall avoid and preserve” these areas “as undisturbed and natural open space...”. Furthermore, “these topographical features shall be avoided and mitigated as recommended by a Geotechnical Engineer licensed to practice in the State of Utah”. Millcreek Code §18.61.080.A-B.

To help determine limits of disturbance or areas “in which construction and development activity shall be contained, including development and construction of the principal building, accessory structures, recreation areas, utilities, services, driveways, storm drainage, and other similar improvements”, Millcreek requires an applicant to provide a Level 2 Geotechnical Report “for any development on property subject to a surface fault rupture study area, including additions to existing single-household dwellings.”.

Millcreek Code §18.61.070.B., Millcreek Code §18.61.100.C & §18.61.100.D, (see also Millcreek Code §18.61 Table 18.61-1)

Millcreek’s code, Section 18.97.030 defines a Geotechnical Report, Level 2 as “a Geotechnical report for a development in a Sensitive Lands area that includes an analysis of any topographical or subsurface feature on the property that is identified as a sensitive lands area and includes other items as required by the Engineering Review Checklist.”

“Determinations and mitigation techniques proposed that, when reviewed by the City Engineer and City Geologist, do not clearly resolve any identified issues that may be subject to a Peer Review at the City’s discretion.” “The City Engineer and City Geologist shall have the right to review, provide comments, suggest changes, and ultimately approve, deny, or modify the mitigation techniques”. Millcreek Code §18.61.050.

The applicant has retained the services of Gordan Geotechnical Engineering, Inc., a licensed geologist firm within the state of Utah to conduct a preliminary fault study which found evidence of a surface rupture within an exploration fault trench conducted on the property, running in the northeast-to-southwest direction. The applicant’s geologist determined a setback distance of 24 feet from either side of the found surface rupture area.

- 3) Millcreek’s code, Section 18.97.030 defines a Fault Setback as “an area on either side of a fault within which construction of structures for human occupancy or critical facilities is not permitted.”.



The applicant's geologist notes that, "the fault setback covers most of the lot" and, in their opinion, "a formal fault study is not warranted on the site as long as there are no changes to the footprint of the existing structure, and that the fault hazard needs to be disclosed with the property deed or title" (see application response Appendix 2).

In order to fulfill the purposes of the sensitive lands code, "City Staff and the City Geologist shall review any proposed land use that requires preparation of a geotechnical and/or sensitive lands/geologic hazard report under this chapter and as shown on the Sensitive Lands Map to determine the possible risks to the safety of persons, property or City infrastructure from Sensitive Lands."

Millcreek Code §18.61.110.A

Both the applicant's geologist and city's third-party geologist have discussed the circumstances associated with the property in which both agree that the entirety of the property is likely encumbered by the fault line and sensitive lands study area, based on the City's Sensitive Lands Map and as also corroborated by the preliminary study. In the opinion of the applicant's geologist "additional fault studies are not warranted at the site if there are no changes to the footprint of the existing structure". However, without a complete and formal fault study/report, Millcreek's third-party geologist cannot review, analyze, or formally suggest modifications, for approval. Nonetheless, Millcreek's geologist has made additional recommendations, which are provided within the recommendations contained within this report.

The applicant has also provided an opinion made by a structural engineer stating that "the existing foundation is in exceptionally good condition".

## SCOPE OF DECISION

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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 18.15.040 and similarly, the above referenced Utah Code state "*The authority may grant a variance only if:*

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

1. *In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the LUHO may not find an unreasonable hardship unless the alleged hardship:*
  1. *Is located on or associated with the property for which the variance is sought; and*
  2. *Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.*
2. *In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the LUHO may not find an unreasonable hardship if the hardship is self-imposed or economic.*
3. *In determining whether or not there are special circumstances attached to the property under Subsection (1)(a), the appeal authority may find that special circumstances exist only if the special circumstances:*
  1. *Relate to the hardship complained of; and*
  2. *Deprive the property of privileges granted to other properties in the same zone.*
4. *The LUHO may impose conditions on an approval of a variance request to:*
  1. *Mitigate any harmful effects of the variance; or*
  2. *Serve the purpose of the standard or requirement that is waived or modified.*
5. *The LUHO may not grant:*
  1. *A variance that is greater than the minimum variation necessary to relieve the unreasonable hardship the applicant can demonstrate;*
  2. *A temporary variance; or*
  3. *A use variance.*

---

## STAFF FINDINGS, ANALYSIS & CONCLUSIONS

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### **Staff Findings:**

1. According to records on file with the Office of the Salt Lake County Assessor, the property is 0.87 acres in size and contains a residential structure that was constructed in 1961.
2. The dimensions of the property are approximately 100 linear feet wide by 275 linear feet deep.
3. According to the applicant's letter, the northern and southern 15 feet along both the long sides of the property, are encumbering with a 3:4 slope. Without installing retaining walls, the property has roughly 60 feet of natural buildable width.
4. Because the applicant will be removing all but the foundation of the existing structure, the alterations will be too substantial to qualify as a noncomplying structure.
5. Millcreek's code, Section 18.61.020, defines a Sensitive Lands Area as "any area that is either:
  - 1) Located within the affected areas identified on the Sensitive Lands Map, adopted and amended from time to time by the Millcreek City Council; or
  - 2) Contains sensitive lands features as described in this section; or
  - 3) Affected by geological hazards identified in a Geotechnical Report, a topographical survey, or soils study."



6. Millcreek’s Code, Section 18.61.030.B, defines Subsurface Features as “soils, saturated soils, and soil structures such as areas of liquefaction potential, surface fault rupture hazard areas, and debris flow areas. Soil types used to determine surface stability, foundation stability, movement potential, depth to bedrock, and shallow water table levels, may also reveal factors to consider for avoidance/preservation and/or design modifications when determining the extent of sensitive lands.”
7. Millcreek’s code, Section 18.61.080.B, states “Fault lines, scarps, landslides, rock outcroppings, rock-fall, alluvial, fans and mud/debris flow areas: These topographical features shall be avoided and mitigated as recommended by a Geotechnical Engineer licensed to practice in the State of Utah.”
8. Millcreek’s code, Section 18.61.100.C.3., states that “a geotechnical report is required for any development on property subject to a surface fault rupture study area, including additions to existing single-household dwellings.”
9. “The owner of an existing property or a lot or parcel of record legally created prior to the adoption of this chapter is not entitled to a building permit, unless that building permit fully complies with this chapter’s requirements, and all other applicable requirements. These requirements protect the public health, safety, and welfare of the community, and may prevent development on sensitive lands, especially steep slopes, areas with hazardous soils, and other sensitive lands features.  
Millcreek Code §18.61.140.E

**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 §18.15.040 (see applicant’s application and response).

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 ordinances;***

***In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the LUHO 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 peculiar to the property, not from conditions that are general to the neighborhood. If the hardship is self-imposed or economic. §18.15.040***

**Staff Response:**

- Requiring the applicant to provide the required complete geotechnical study, regardless of the presumed outcome, recommendations, or acknowledgement of risks does not, in-and-of-itself, cause an unreasonable hardship. Staff acknowledge there is an economic cost to such studies which are likely to produce similar data as presumed. A full analysis and recommendation(s) cannot be determined without a complete study.



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

***In determining whether or not there are special circumstances attached to the property under Subsection (1)(a), the appeal authority may find that special circumstances exist only if the special circumstances relate to the hardship complained of and deprive the property of privileges granted to other properties in the same zone. §18.15.040***

Staff Response:

Based on Millcreek's Sensitive Lands Map and preliminary studies conducted by the applicant's geologist, the property appears to be mostly encumbered with a geological hazard.

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

Staff Response:

Granting variance only releases the applicant from spending additional funds on complete geotechnical study/report which is likely to affirm the already presumed risks associated with building upon or within close proximity with a geological hazard.

It is presumed that most geologists and/or structural engineers would not give a positive recommendation to build at all on the property. However, denying the property owner the right to build or rebuild may be considered as denying the essential enjoyment and property right possessed by other properties in the same district.

Furthermore, it is assumed that building a new structure using present day materials, codes and standards will be superior to those used when the original 1960's structure was built.

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

Staff Response:

One of the primary purposes of the general plan, is guide development in a manner which is both compatible with the surrounding environment, as well as to protect and preserve the health, safety, and general welfare of the public. The property has contained a residential structure on it from the early 1960's to the present date. The applicant is not proposing to increase the number of dwelling units or footprint of the existing building. The applicant is proposing to remove and construct a new structure using the present-day building codes, standards and materials which have evolved and are, in many ways, superior to those used in previous decades.



***5. The spirit of the land use ordinance is observed, and substantial justice is done.***

**Staff Response:**

- If the applicant acknowledges the existence of the known fault line, the risks associated with building within the area and holds the city harmless from any future property damage or loss of life in the event of a catastrophe.

**Conclusion:**

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

1. Millcreek's Sensitive Lands Map seems to be affirmed by the preliminary study conducted by the applicant geologist, showing the property is uniquely encumbered by a subsurface fault line.
2. According to Millcreek code, "A geotechnical report is required for any development on property subject to a surface fault rupture study area, including additions to existing single-household dwellings.
3. Millcreek's code further states that such topographical features shall be avoided and mitigated as recommended by a Geotechnical Engineer.
4. The complete removal of the existing house is considered to be a substantial change, and therefore is not considered as an "alteration" to a noncomplying structure.
5. Building a new structure, using present-day materials, codes, standards, etc. are logically and typically better than other methods used in previous decades.
6. 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.

**Recommendations:**

The following recommendation is made by the city's third-party geologist:

"Understanding that the property is significantly impacted by a known active fault that runs through the middle of the property from Southeast to Northwest, and knowing that the existing home already straddles the fault as previously investigated and identified, and knowing that based on current codes, no new structure can be built on the property without likely crossing the fault again, the city's geologist recommends the following steps be followed at this property.

- a. Pursue a variance on this property to allow the home to be demolished, while fully retaining the existing foundations, and allow the property to be re-built upon the existing foundations using newer, safer technologies to improve the structural stability of home.
- b. Owner must record on the property plat, on recording documents and on all approvals for this remodel that they are aware of the risks in proceeding in this direction and that despite their best efforts and use of current construction practices



which are intended to mitigate earthquake related hazards , the fault could at any time rupture and cause complete structural failure of the existing or reconstructed home.

- c. Owner must fully agree to absolve Millcreek City of any responsibility with regard to the renovation and remodel of the house knowing that the home is already constructed in a location that would not be permitted for construction under current understandings and current codes. Owner must agree for themselves, their heirs, executors, administrators and assigns, to hold harmless Millcreek City, from any and all liability associated with any loss or damages sustained by them in connection with the continuation of said construction/remodeling project at the Property or arising out of their failure to build in accordance with the current Millcreek City code."

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### **SUPPORTING DOCUMENTS**

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- Sensitive Lands Map
- Applicants' Application and Variance Request

## Applicant's Request Letter

- 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 property is an irregular shaped lot, rectangular, measuring roughly 100 feet wide and 275 feet deep, running in a northwest to southeast direction. [Please see Appendix 1: Aerial View, taken from Millcreek Planning and Zoning Maps.]

On each of the “long” sides of the property, there is a slope of about 3:4 rise over run across 20 feet that steps down; that is to say, the adjacent commercial property is roughly 15 feet higher, and the adjacent residential neighbors on Ridgedale Lane are roughly 15 feet lower. This result of this stepdown geography is that the functionally “usable” flat area is only 60 feet across.

As you can see from the image, the challenge with the lot is that there is a large subterranean fault line that runs directly through the center (in the long direction) of this 60 foot span, including directly through the house itself. In consultation with a geotechnical engineer, two trenches were dug on site in 2018 that 1) verified the fault, and 2) confirmed that once the setback requirements were factored in, there was no alternative buildable location on the site. [Please see attached Appendix 2: Letter from Geotechnical Engineer.]

The lot is landlocked; private access to the property is only where the driveway meets the public road on Ridgedale Lane. It is otherwise surrounded by private property on every side.

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

The special circumstances attached to this property are several:

- a. It is located directly on a subterranean fault;
- b. There is no alternative buildable location on the property that falls outside of the setback area;
- c. The home is in need of repair, and the owner is willing to make these repairs to ensure the highest level of safety under the circumstances;
- d. The existing foundation is sound, as verified in the attached letter from Bill Whitney, the structural engineer, indicating that visual inspection shows no cracks or problems whatsoever despite the age of the foundation and home which is more than 60 years old. [Please see attached Appendix 3: Letter from Structural Engineer.]

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

Granting a variance is essential to the enjoyment of a substantial property right possessed by other property in the same land use zone because it will allow the owner to make the alterations needed to make the repairs the home needs to ensure the highest level of safety for occupants of the home.

Without the variance, the owner cannot make improvements to the home under the City's current interpretation of the planning, building and zoning ordinances. Therefore, the residents will be prevented from making structural changes to the home, forcing them to live in the home in its current state of disrepair, endangering them unnecessarily.

Other property in the same land use zone have no constraints in their ability to significantly alter their homes as long as they observe existing land use requirements.

[Please see Appendix 4: Exterior Photos of Home.]

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

Granting this variance will contribute to Millcreek City's General Plan by maintaining its objectives of being a bedroom community with a vibrant commercial engine. This parcel is already approved for residential housing and there are dozens of homes, apartments and businesses that are in the same circumstances. This owner in particular is a strong Millcreek supporter, wanting to continue contributing to the community by investing in the property for the long term.

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

Granting the variance is the best option to uphold the spirit of the land use ordinance for several reasons:

- The parcel is already approved and has been occupied by the same home for more than 60 years without incident;
- The City has continuously provided services and collected taxes for the parcel, demonstrating its explicit support for maintaining the property as a dwelling that is suitable for human occupancy;
- The City has expressed its concerns about safety and a general consensus about how to proceed has been reached between the homeowner and City officials.
- The homeowner is willing to consider various alternatives to maximize safety to address the City's concerns (including creative approaches such as dividing the home into two separate but associated buildings). However, Millcreek City seems most comfortable with the plan to rebuild the home within the existing footprint.
- While plans are not finalized pending resolution of this issue, the homeowner is planning to rebuild on a single level rather than preserving the split level as the home is currently constructed.

# Appendix 1: Aerial View

1277 Ridgedale Lane, Millcreek, Utah 84106

Note: the black line indicates the estimated location of the subterranean fault.



## Appendix 2: Letter from Geotechnical Engineer (2 pages)



May 29, 2025  
Job No. 572-001-18

Greg Whisenant  
1277 Ridgedale Lane  
Millcreek, Utah 84106

**Attention: Mr. Greg Whisenant**

Ladies and Gentlemen:

Re: Summary Letter  
Surface Faulting Consultation Letter  
Proposed Whisenant Remodel  
1277 Ridgedale Lane  
Millcreek, Utah

Gordon Geotechnical Engineering, Inc (G<sup>2</sup>) previously completed a very preliminary fault study at the existing residential lot. A fault trench was excavated in a northeast-to-southwest direction across the western portion of the lot, but a formal report was never produced. It is our understanding that the homeowner is planning on remodeling the structure. No additions or changes to the footprint of the structure are planned.

Our preliminary fault study found evidence of surface rupture in the exploration trench. A setback of 24 feet on each side of the fault was determined based on the amount of displacement in the trench. Due to the narrow lot, the fault setback covers the majority of the lot.

It is our understanding that fault studies are required for new structures in Millcreek City. In our opinion, additional fault studies are not warranted at the site if there are no changes to the footprint of the existing structure. We recommend that the known fault hazard be disclosed with the property deed or title.

Gordon Geotechnical Engineering, Inc.  
4426 South Century Drive, Suite 100  
Salt Lake City, Utah 84123

Tel: 801-327-9600  
Fax: 801-327-9601  
[www.gordongeotech.com](http://www.gordongeotech.com)

Greg Whisenant

Job No. 572-001-18  
Surface Fault Consultation  
May 29, 2025



If you have any questions or require additional information, please do not hesitate to contact us.

Respectfully submitted,

**Gordon Geotechnical Engineering, Inc.**

A handwritten signature in blue ink, appearing to read 'Patrick R. Emery', is written over a light blue horizontal line.

Patrick R. Emery, State of Utah No. 7941710  
Professional Engineer/Geologist

PRE:sn

Addressee (email only)

**Appendix 3: Letter from Structural Engineer**



To: Millcreek City Planner

April 23, 2025

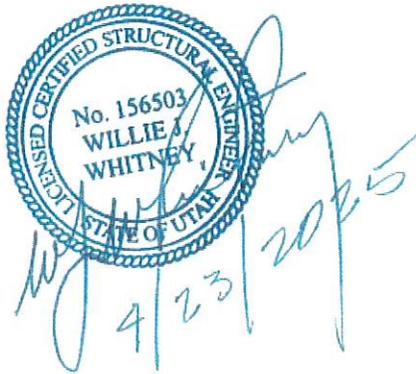
Re: Foundation inspection for 1227 Ridgedale Lane, Millcreek City, Utah

Dear Sir:

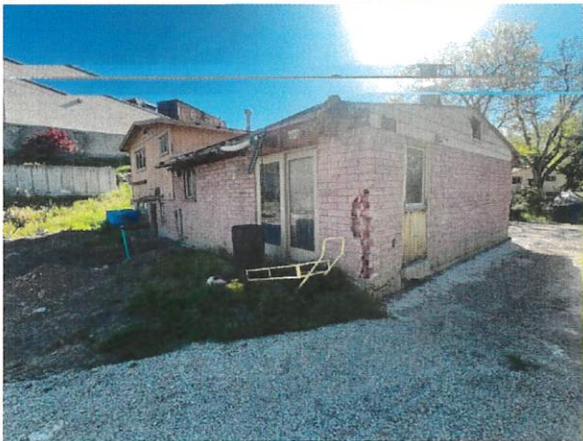
On April 22, 2025 RT Engineers investigated the total structure and foundation for the house located at 1227 Ridgedale, Utah. The results of that investigation indicate that the foundation is in exceptionally good condition. The basement concrete walls have no visible cracks or water damage even considering the age of the building. It is my opinion that no changes should be made to the foundation with the future removal of the structure above ground and redesigning the building as a one story building rather than the current split level arrangement This would be a great improvement to the current conditions with the use of current seismic standards required by law in this area.

Sincerely,

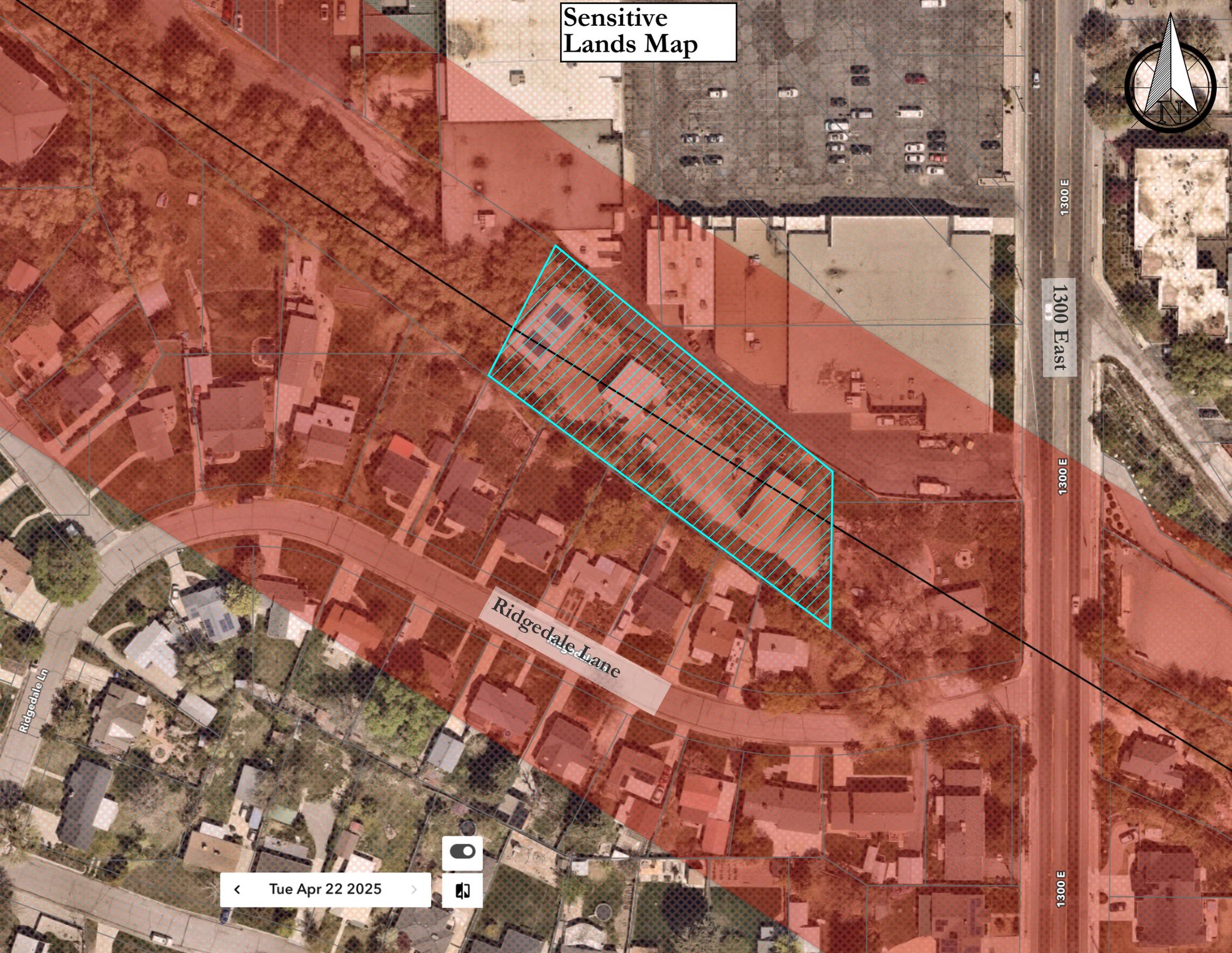
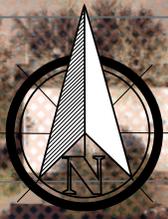
WJ (Bill) Whitney, PE



**Appendix 4: Photos of Exterior of Home**



# Sensitive Lands Map



1300 E

1300 East

1300 E

1300 E

Ridgedale Lane

Ridgedale Ln

< Tue Apr 22 2025 >





July 10, 2025

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**Request Type:** Variance  
**File No:** LUHO-25-007  
**Address:** 3665 S Wild Rose Ln  
**Applicant:** Morgan Evans  
**Planner:** Zack Wendel

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### SUMMARY DESCRIPTION

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Morgan Evans (Applicant) has filed a land use application, seeking a variance to the front yard setback. The subject property is located at 3665 S Wild Rose Lane. The property is zoned for Single-household Residential (R-1-10) which requires a 30-foot front yard setback. The applicant is wanting to build a new home on this property where the front southeast corner of the proposed garage will encroach into the front setback by 4 to 6 feet. They are requesting a reduction from 30 feet to 20 feet.

Variations are regulated by Millcreek code section 18.15.040. For a variance to be granted, the applicant must meet the five criteria laid out in this section of code. Code language outlining how variations are regulated can be found below.

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### SCOPE OF DECISION

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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 18.15.040 and similarly, the above referenced Utah Code state “*The authority may grant a variance only if:*

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

1. *In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the LUHO may not find an unreasonable hardship unless the alleged hardship:*
  1. *Is located on or associated with the property for which the variance is sought; and*
  2. *Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.*
2. *In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the LUHO may not find an unreasonable hardship if the hardship is self-imposed or economic.*
3. *In determining whether or not there are special circumstances attached to the property under Subsection (1)(a), the appeal authority may find that special circumstances exist only if the special circumstances:*
  1. *Relate to the hardship complained of; and*
  2. *Deprive the property of privileges granted to other properties in the same zone.*
4. *The LUHO may impose conditions on an approval of a variance request to:*
  1. *Mitigate any harmful effects of the variance; or*
  2. *Serve the purpose of the standard or requirement that is waived or modified.*
5. *The LUHO may not grant:*
  1. *A variance that is greater than the minimum variation necessary to relieve the unreasonable hardship the applicant can demonstrate;*
  2. *A temporary variance; or*
  3. *A use variance.*

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## STAFF FINDINGS, ANALYSIS & CONCLUSIONS

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### **Staff Findings:**

1. According to records on file with the Office of the Salt Lake County Assessor, the property is 0.23 acres in size and contains a residential structure that was originally constructed in 1914.
2. The property is located in Millcreek's Single-Household Residential Zone (R-1-10). All the surrounding properties are also within the R-1-10 zone.
3. The R-1-10 Zone requires a front yard setback of 30 feet from the front property line.
4. The Upper Canal runs along the front of this property. And the property itself is only accessed by crossing the canal.
5. Though the canal runs along the front of this property, the canal itself is not on the subject property as the property line abuts the canals east side.
6. Outside of the front yard setback the proposed home would meet the side and rear setback requirements, lot coverage limits, height limits and stay within the building envelope.



7. 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.
8. The property does have an irregular shape as it tapers from about 103 feet along the north side to about 65 on the south side of the property.

**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 §18.15.040 (see applicant's application and response).

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 ordinances;***

***In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the LUHO 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 peculiar to the property, not from conditions that are general to the neighborhood. If the hardship is self-imposed or economic. §18.15.040***

**Staff Response:**

- The property is not a perfectly square or rectangular lot and does taper in width from about 103 feet down to 65 feet from north to south. However, the property is similar in size and shape to other surrounding properties within the same zone and neighborhood.
- The setbacks still provide a reasonable buildable area for a standard sized home.
- 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.

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

***In determining whether or not there are special circumstances attached to the property under Subsection (1)(a), the appeal authority may find that special circumstances exist only if the special circumstances relate to the hardship complained of and deprive the property of privileges granted to other properties in the same zone. §18.15.040***

**Staff Response:**

- The property is not a perfectly square or rectangular lot and does taper in width from about 103 feet down to 65 feet from north to south. However, the property is similar in size and shape to other surrounding properties within the same zone and neighborhood.



- Though the canal does not run through the subject property, the Upper canal does run along the front of the property. The canal runs along the rear property line or across Wild Rose Lane for most other properties in the same area.

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

Staff Response:

- The property does have an existing detached garage. A detached garage could be a possible solution to gaining the desired garage size as detached accessory structures have a smaller setback requirement.

***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, 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 the land use ordinance is observed and substantial justice is done.***

Staff Response:

- Although Millcreek supports modifications and redevelopment 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, Staff understands that the property has some unique characteristics that not many properties have such as a canal in front of the property and which must be crossed in order to access the property. Staff also understands that the property is not a perfectly square or rectangular lot and does taper in width from about 103 feet down to 65 feet from north to south. However, the property is similar in size and shape to other surrounding properties within the same zone and neighborhood and the setbacks in Staffs opinion still provides a reasonable buildable area for a standard sized home and attached garage to fit in.

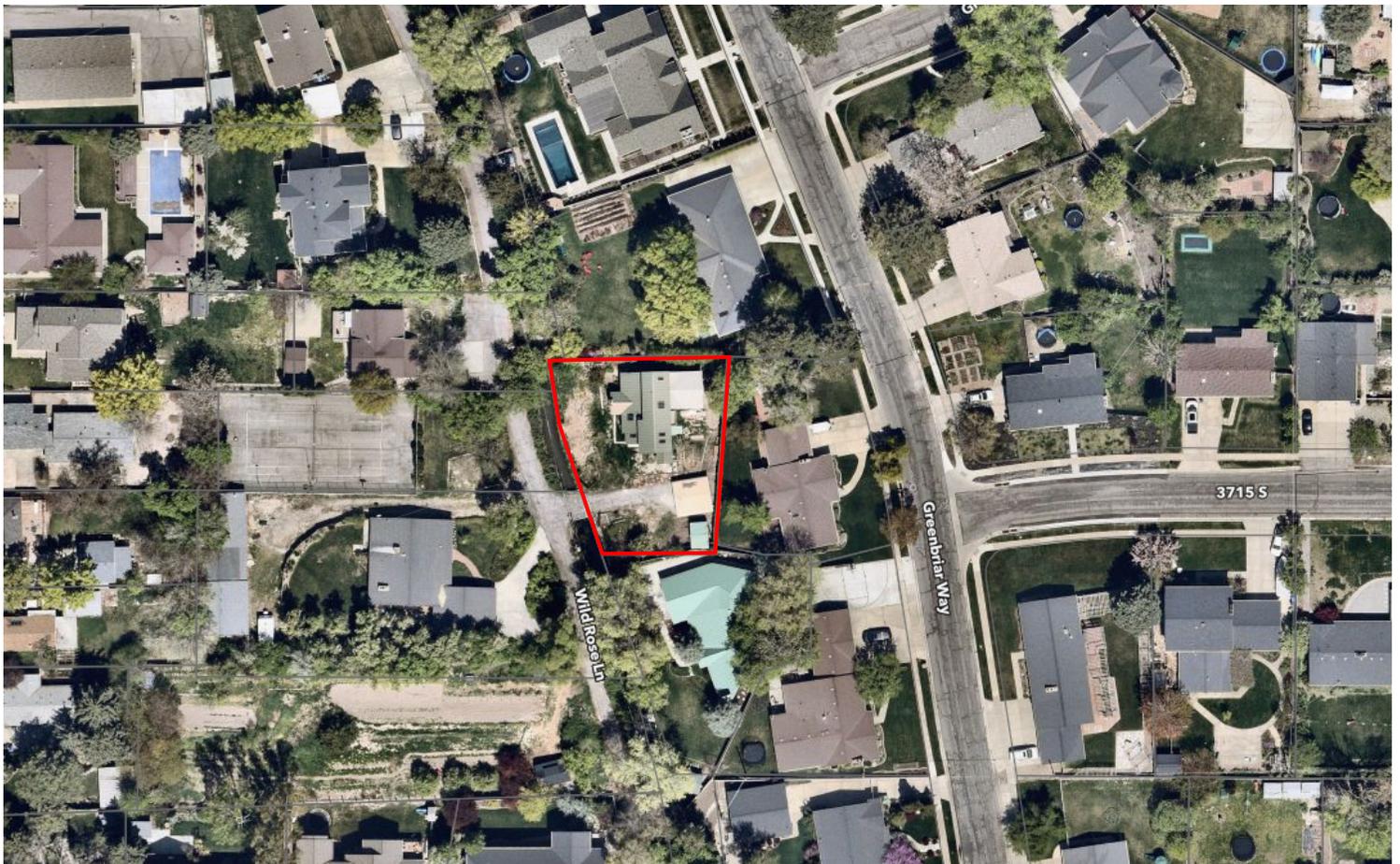


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## SUPPORTING DOCUMENTS

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- Location Map
- Applicants' Letter of Intent
- Site Plan
- Elevation concepts
- Additional Documents



# PRELIMINARY SURVEY (SITE PLAN - Presumed Setbacks)

LOCATED IN THE NORTHWEST QUARTER OF SECTION 34,  
TOWNSHIP 1 SOUTH, RANGE 1 EAST,  
SALT LAKE BASE AND MERIDIAN  
SALT LAKE COUNTY, UTAH



GRAPHIC SCALE



NW 1/4 OF SEC. 34  
T1S, R1E, SLB & M  
BENCH MARK = 4536.05

SOUTH 2300.03 (R1 2300.99)

BASIS OF BEARING  
NORTH 00°18'13" WEST 2645.01 (2644.076 ARP)

W 1/4 OF SEC. 34  
T1S, R1E, SLB & M  
(STONE-NOT FOUND)



## SURVEYOR'S CERTIFICATE:

I, DALE K. BENNETT, SALT LAKE CITY, UTAH, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD LICENSE NO. 103381 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH; THAT I HAVE MADE A SURVEY OF THE FOLLOWING DESCRIBED PROPERTY; THAT THIS PLAT CORRECTLY SHOWS THE TRUE DIMENSIONS OF THE BOUNDARIES SURVEYED AND OF THE VISIBLE IMPROVEMENTS AFFECTING THE BOUNDARIES AND THEIR POSITION IN RELATIONSHIP TO SAID BOUNDARIES.



## RECORD DESCRIPTION:

PARCEL NUMBER 16-34-156-004  
BEGINNING AT A POINT ON THE EAST BANK OF CANAL, SAID POINT BEING SOUTH 2300.99 FEET AND EAST 418.24 FEET FROM THE NORTHWEST CORNER OF SECTION 34, TOWNSHIP 1 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTH 18°35' WEST ALONG SAID EAST BANK NORTH 87°12'10" EAST 68.00 FEET; THENCE SOUTH 89°34' EAST 35.09 FEET; THENCE SOUTH 3°45' WEST 113.16 FEET; THENCE NORTH 89°55' WEST 64.99 FEET TO THE POINT OF THE BEGINNING.

## NARRATIVE OF BOUNDARY:

**SCOPE**  
BENCHMARK ENGINEERING AND LAND SURVEYING, LLC WAS RETAINED BY MORGAN EVANS TO PROVIDE A BOUNDARY AND TOPOGRAPHIC SURVEY FOR THE PURPOSE OF ARCHITECTURAL PLANNING AND BUILDING A NEW CUSTOM HOME ON THE PROPERTY. THIS SITE PLAN HAS BEEN PREPARED AS A PRELIMINARY STEP IN THIS PROCESS AND TO PROVIDE PRESUMED SETBACK LINES FOR DISCUSSION WITH CITY STAFF AND THE POSSIBILITY OF OBTAINING A VARIANCE FOR BUILDING SETBACKS. AN AERIAL WAS ALSO FLOWN FOR A SHOWING THE AREA ALONG THE CANAL FOR COMPARATIVE PURPOSES.

DEEDS ON BOTH SIDE OF THE ROAD (3 OUT 4) CALL OUT TO THE EAST OR WEST BANK OF THE CANAL AS A CONTROLLING FEATURE AND OTHER PLAT RECORDS NORTH AND SOUTH OF THIS AREA SHOW THE CANAL (BIG COTTONWOOD UPPER CANAL) AS A 30-FOOT WIDE EASEMENT. WE SHOW THE CENTERLINE OF THE 30 FOOT EASEMENT BY SPLITTING THE MEASURED EAST AND WEST BANKS OF SAID CANAL. THE SUBJECT PROPERTY IS UPDATED SHOWING THE ADJUSTMENT IN MEASUREMENTS AND HAVE SHORTED THE RECORD CALL B ROUGHLY 3- FEET AS SHOWN HEREON.

THE ROUGH LOCATION OF WILD ROSE LANE IS SHOWN WITH SURVEY OBSERVATIONS ALONG THE EDGE OF ASPHALT AS SHOWN HEREON. THIS PRELIMINARY PLAT IS BEING PROVIDED AS A MILESTONE IN THE SURVEY PROCESS AND A TOOL FOR THE CLIENT IN HIS PLANNING ENDEAVORS FOR THE PROPERTY. THE CLIENT HAS BEEN UPDATED ON THE SURVEY PROGRESS, THE CHALLENGES OF THE RESTRICTIVE BUILDING FOOTPRINT AND IS CONSIDERING A BOUNDARY LINE ADJUSTMENT WITH THE THREE PARCELS TO THE WEST.

WE SUPPORT THE CONCLUSIONS OF HAVING THE CENTERLINE OF THE ROAD TO BE THE COMMON ADJUSTED LINE IN THE EFFORT OF EXPANDING THE BUILDABLE AREA OF THE SUBJECT PROPERTY AND ALLOWING FULL ACCESS FOR ALL PROPERTIES TO THE ASPHALT LANE.

THIS SHOULD ALSO ELIMINATE SOME TAX BURDEN TO THE WEST PARCEL OWNERS AND ELIMINATE THERE RESPONSIBLE FOR THE UNUSABLE SURPLUS PROPERTY THEY HAVE LIMITED ACCESS DUE TO THE ROAD AND CANAL ENCROACHMENTS.

IT IS OUR UNDERSTANDING, BASED UPON CONVERSATIONS WITH CITY PLANNER, BRAD SANDERSON ON 3-19-2025, THAT ADJUSTING THE WEST PROPERTY LINE WITH THE ADJOINERS TO THE WEST WOULD EFFECTIVELY CONTROL THE FRONT YARD SETBACK WHERE THE 30- FEET WOULD BE MEASURED FROM. HOWEVER, THERE ARE DIMINISHING RETURNS FOR THE EXPANDED BUILDING FOOTPRINT WILL BE LIMITED DO TO THE 30-FOOT WIDE EASEMENT OF THE CANAL AND THIS WOULD BE A RESTRICTIVE LINE FOR ANY PROPOSED BUILDING STRUCTURE.

WITHOUT ANY CHANGES TO THE BOUNDARY, WE BELIEVE THE 30-FOOT SETBACK, AS THE PROPERTY OWNERSHIP CURRENTLY EXISTS, THIS WOULD BE MEASURED FROM THE CENTERLINE OF THE CANAL AS PROPOSED HEREON.

**BASIS OF BEARINGS**  
THE BASIS OF BEARINGS FOR THIS SURVEY IS SOUTH 00°18'12" EAST, A DISTANCE OF 2644.08 FEET, AS SHOWN HEREON.

**LIST OF REFERENCED DOCUMENTS**  
(R1) WARRANTY DEED - SUBJECT PROPERTY (ENTRY # 14292822 - DATED SEPTEMBER 26TH, 2024)

(R2) RECONVEYANCE DEED - PETER EVANS-ADJOINER (ENTRY # 8785529 - DATED AUGUST 22ND, 2003)

WARRANTY DEED BUTLER, BRADFORD & JILL (ENTRY # 4782729 - DATED JUNE 1st, 1989)

WARRANTY DEED - COOPER, MICHAEL & KATHLEEN (ENTRY # 9373199 - DATED MAY 10th, 2005)

BRIARWOOD ACRES SUBDIVISION - (ENTRY # 1849113 - DATED JUNE 1ST, 1962)

BRIARWOOD ACRES #2 SUBDIVISION - (ENTRY # 2332642 - DATED MAY 14TH, 1970)

SALT LAKE COUNTY AREA REFERENCE PLAT (R1)

**BENCHMARK**  
NW 1/4 OF SEC. 34, T1S, R1E, SLB & M = 4536.05

**NARRATIVE**  
ONLY IMPROVEMENTS THAT AFFECT THE BOUNDARIES OF THE PROPERTY SHOWN.

## LEGEND AND ABBREVIATIONS:



NO.	DATE	DESCRIPTION

DRAWN BY	CHECKED BY	FIELD CREW	DATE	DWG FILE

**BENCHMARK ENGINEERING & LAND SURVEYING**  
9138 SOUTH STATE STREET SUITE # 100  
SANDY, UTAH 84070 (801) 542-7192  
www.benchmarkcivil.com



**MORGAN EVANS**  
3665 WILDROSE LANE  
MILLCREEK CITY, UTAH

PROJECT NO. 2501007
PRELIMINARY SURVEY
SITE 01 1 OF 1

SCALE MEASURES: 1 INCH ON FULL SIZE SHEETS  
ADJUST ACCORDINGLY FOR REDUCED SIZE SHEETS

Variance Check List Documents needed for final application

1. **A description of the specific land use ordinance from which a variance is requested.**

- a. We are requesting a variance for a reduction to the Front Yard Set Back Code from 30 feet to 20 feet. We do not intend to radically increase the size of our home's footprint but merely to extend out to the west our garage by 4-6 feet. This extension of the garage only encroaches into the non-buildable space by less than 25 square feet.

2. **A narrative explanation describing how request satisfies the approval criteria for variances**

- a. The following serves as a greatly reduced and summarized version of our letter of intent which goes into far more detail regarding the 5 criteria points for granting a variance to the front set back. Please see our Letter of Intent for a more detailed and complete description.

**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 ordinances:**

Strict enforcement of the 30-foot front setback creates a hardship due to our irregular, tapered lot and the 12–15 ft canal along the west side. The buildable area starts nearly 50 feet from the private lane, far more than neighboring lots, severely limiting design options.

**2. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district:** Our lot's unusual shape and canal placement make it unlike most properties in the zone.

These unique, non-self-imposed conditions significantly restrict buildable space and warrant special consideration.

**3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property owners in the same zoning district:** Six nearby homes have front setbacks of 7.5–20 feet. One nearby parcel was granted a 20-foot front setback under similar conditions. We seek a similar modest adjustment to extend our garage by 4–6 feet, in line with neighborhood precedent.

**4. The variance will not substantially affect the general plan and will not be contrary to the public interest:** Our home is on a quiet, dead-end lane with minimal traffic. The variance would not affect views, infrastructure, or neighborhood character and aligns with planning goals.

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

The request is reasonable, maintains neighborhood harmony, and allows

a fair use of our land without overbuilding. It respects the ordinance's intent while recognizing the lot's unique constraints.

Dear Members of the Planning Commission,

Thank you for the opportunity to submit this request for a front setback variance for our property in Millcreek. We appreciate your service and respectfully present the following information in support of our application, organized according to the five criteria outlined in Utah Code § 10-9a-702.

**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 ordinances;**

Due to the unique configuration of our lot, strict enforcement of the front setback ordinance creates an unreasonable hardship that significantly limits our buildable space. The north boundary is 103 feet, while the south narrows to 65 feet, resulting in a tapered, irregular lot shape that restricts functional design. Additionally, a 12–15 foot-wide irrigation canal runs along the west side of the property, and while our property line does not begin at the private access lane, the distance from the edge of that lane to our buildable area is nearly 50 feet—substantially farther than typical homes in the area. These unique physical constraints, which are not self-imposed, place a disproportionate building burden on our lot. Granting the requested variance would not undermine the intent of the ordinance but would instead allow us to enjoy a similar buildable footprint and home design as neighboring properties. This ensures fair and compatible use of our land within the character of the neighborhood.

**2. There are special circumstances specific to our property.**

While the vast majority of Millcreek residents enjoy a rectangular like lot, our lot's unusual shape, with its narrowing footprint, and the presence of the canal represent unique circumstances that do not generally apply to other properties in the zone. These features significantly restrict the design options available to us, especially with a 30-foot front setback and a 15-foot rear setback. These constraints make our situation distinct and we believe warrant special consideration.

**3. Granting the variance supports a property right commonly enjoyed by others.**

Our proposed variance is modest—we seek to extend our garage westward by 4–6 feet to allow for a more functional home layout. Several nearby homes (six in total) have front setbacks ranging from 7.5 feet to 20 feet from their respective property boundaries. While we are not requesting a rear or side setback variance, it's worth noting that several nearby or adjacent homes do not meet minimum side or rear setback requirements due to their unusual shapes or their proximity to the canal. One nearby home (Parcel #156-002), located just 82 feet away and also bordered at the rear by the private lane, was granted a 20-foot front setback—establishing a clear precedent for approving reasonable accommodations in similar site conditions. We respectfully request the same property right commonly enjoyed by our surrounding neighbors, thus allowing us similar and reasonable use of our property.

**4. The variance will not substantially affect the general plan or the public interest.**

The property sits at the end of a quiet, dead-end private lane, with only two other homeowners further south than our property. Our proposed adjustment would not affect traffic, views, safety, or public infrastructure. It would also remain in keeping with

the established look and feel of the neighborhood, causing no disruption to the surrounding community or the city's broader planning goals.

**5. The spirit of the ordinance is observed, and substantial justice is done.**

We are committed to maintaining the character of the neighborhood and believe our request aligns with the intent of the ordinance--to promote orderly development while recognizing individual property constraints. We are not seeking to overbuild or dramatically alter our home's design on this lot, only to make a small, practical adjustment in line with what is common in the area.

**Conclusion**

We humbly request that the front setback be reduced from 30 feet to 20 feet, the same as numerous homes in the immediate vicinity. This would allow us to build out our garage by 4–6 feet--an adjustment that would only encroach into the current non-buildable space by a few feet on the southwest corner of the property. This modest request aligns with the existing pattern of development and reflects a thoughtful effort to preserve the character of the neighborhood while allowing for fair and reasonable use of our property.

Thank you for your time and thoughtful consideration. Please let us know if any additional information would be helpful--we are happy to provide it.

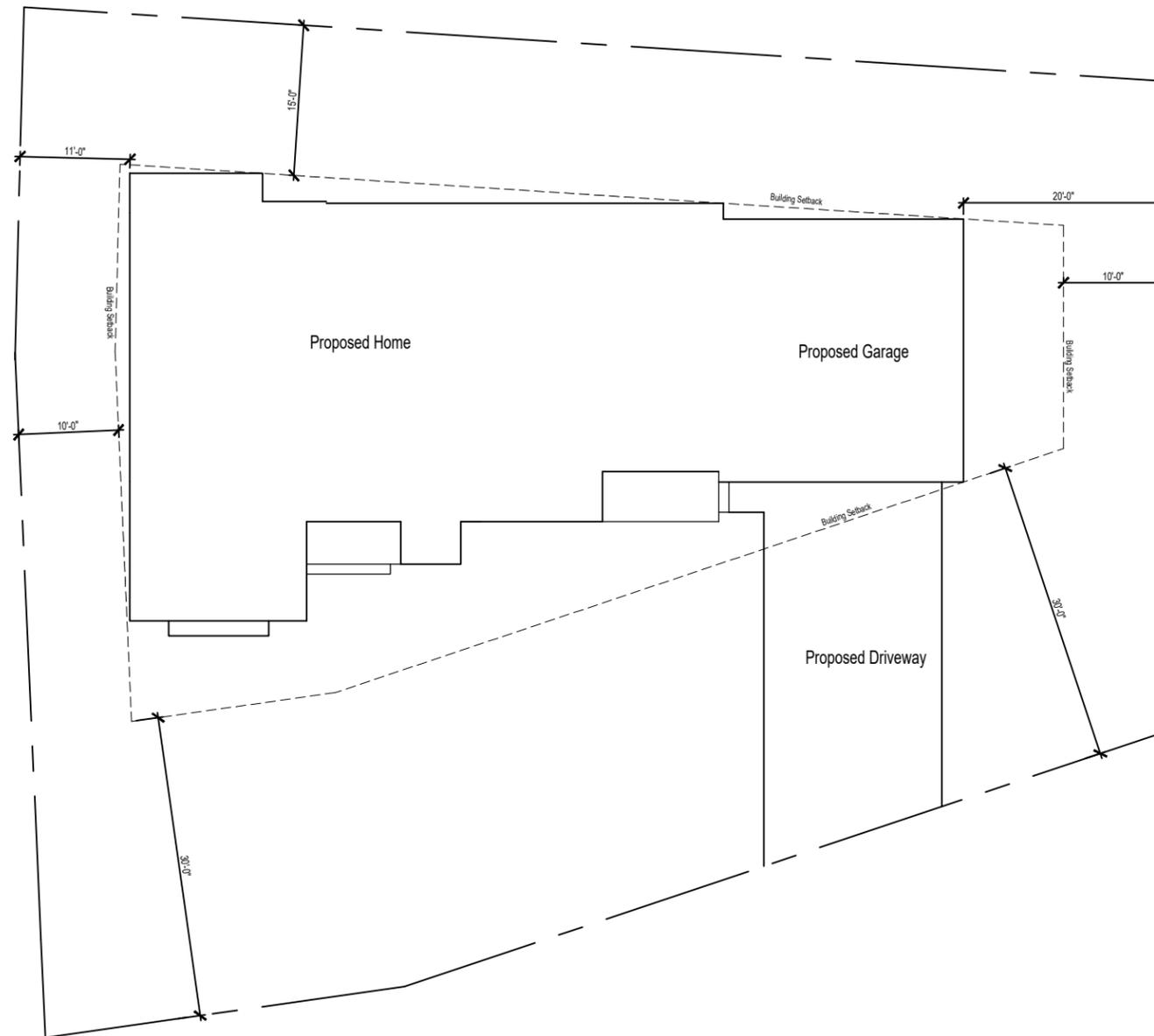
Warm regards,

Morgan and Megan Evans

801-875-0466

m.evansc7@gmail.com

\*NOTE\* ALL CONDITIONS AND MEASUREMENTS ARE TO BE VERIFIED ON SITE BY CONTRACTOR AND OTHER PERSONS COMPLETING WORK ON PROJECT.



1  
A100

Proposed Site Plan  
Scale: 1/16" = 1'-0"



**Meg and Morgan Evans**  
3665 Wildrose Lane  
Millcreek, UT 84106

dates:

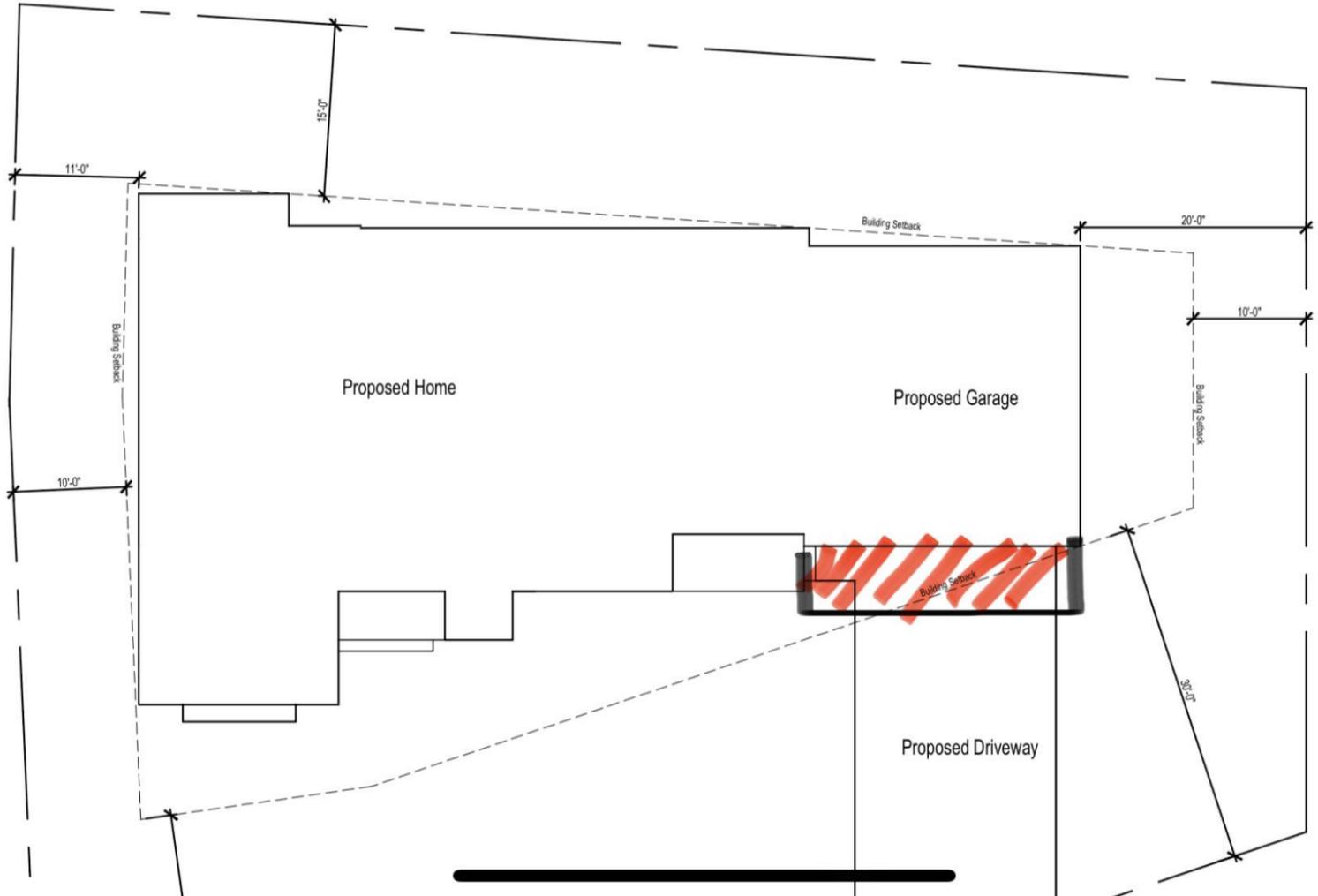
Schematic	11.20.24
Schematic	05.21.25

sheet title:

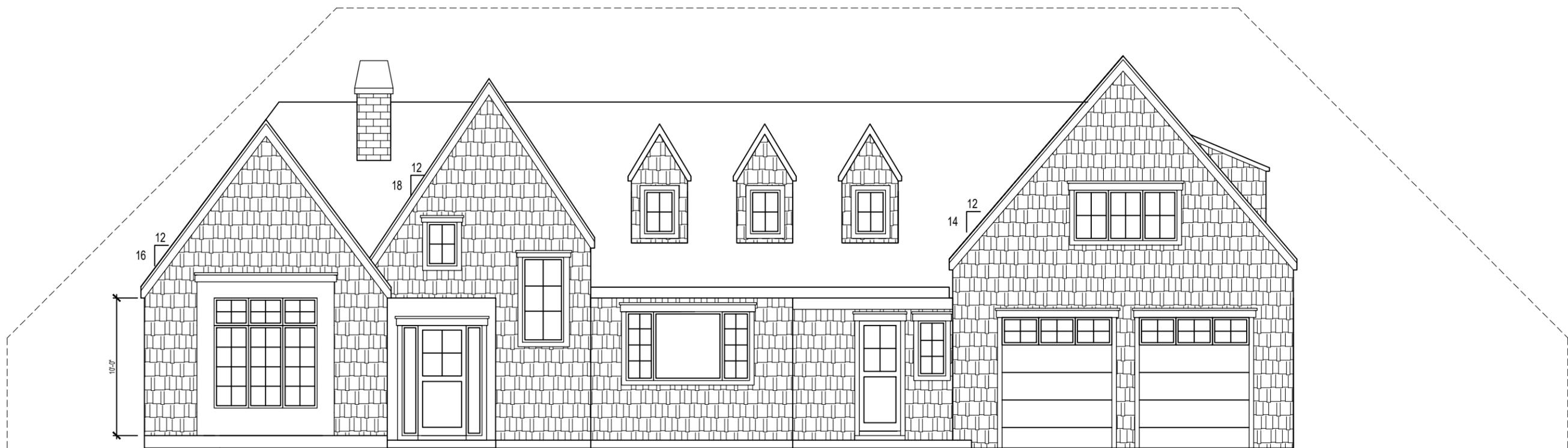
Proposed  
Site Plan

sheet number:

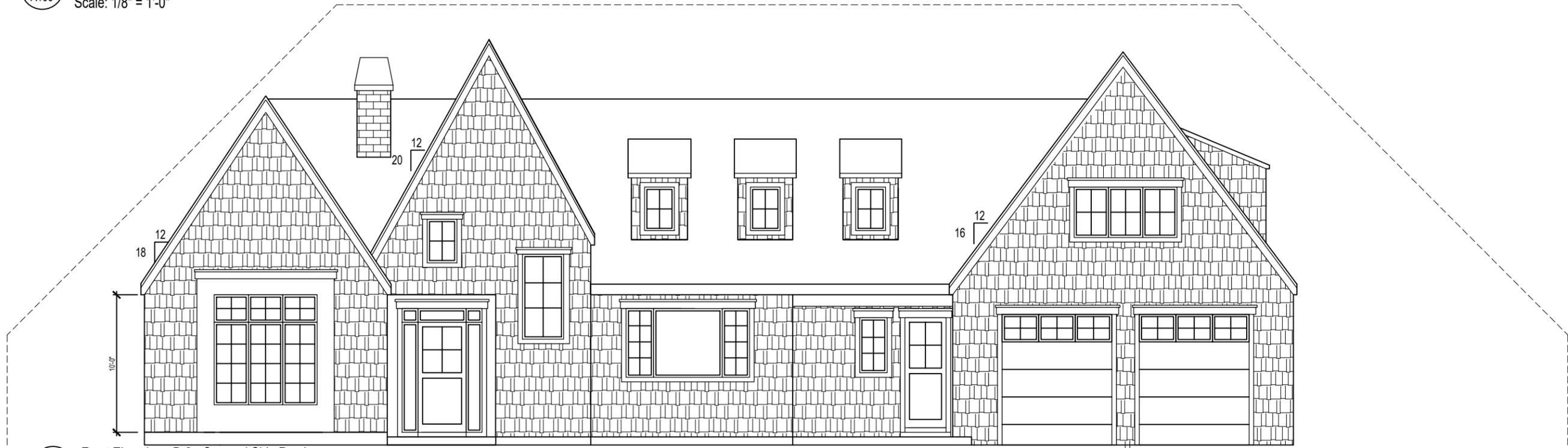
**A100**



\*NOTE\* ALL CONDITIONS AND MEASUREMENTS ARE TO BE VERIFIED ON SITE BY CONTRACTOR AND OTHER PERSONS COMPLETING WORK ON PROJECT.



1 Front Elevation - B-1 - Covered Side Porch  
A106 Scale: 1/8" = 1'-0"



2 Front Elevation - B-2 - Covered Side Porch  
A106 Scale: 1/8" = 1'-0"

Meg and Morgan Evans  
3665 Wildrose Lane  
Millcreek, UT 84106

dates:

Schematic	11.20.24
Schematic	05.21.25

sheet title:

Proposed  
Front Elevation B

sheet number:

A106

\*NOTE\* ALL CONDITIONS AND MEASUREMENTS ARE TO BE VERIFIED ON SITE BY CONTRACTOR AND OTHER PERSONS COMPLETING WORK ON PROJECT.



1  
A101 Proposed Main Floor Plan  
Scale: 1/8" = 1'-0"  
2,005 sq. ft. - Main Floor  
92 sq. ft. - Covered Porch Area  
552 sq. ft. - Garage

Meg and Morgan Evans  
3665 Wildrose Lane  
Millcreek, UT 84106

dates:

Schematic	11.20.24
Schematic	05.21.25

sheet title:

Proposed  
Main Floor

sheet number:

A101



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LUHO-25-008

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## Land Use Hearing Staff Report

**Meeting Date:** 7/10/2025

**Applicant:** Zoe Parmeter

**Re:** ADU Conversion

**Property Address:** 809 E 4280 S

**Zone:** R-1-8

**Prepared By:** Zack Wendel

### REQUEST AND SYNOPSIS

---

The applicant is seeking approval to convert an existing non-complying accessory structure into an accessory dwelling unit (ADU) located at 809 E 4280 S.

The existing accessory structure is 1 foot from the north rear property line and 12 feet 6 inches from the east side property line. Millcreek's Accessory Dwelling Ordinance requires detached ADUs to be at least 5 feet from the rear and side property line for heights up to 14 feet. ([MKZ 18.71](#))

The Land Use Hearing Officer may allow for a legal noncomplying structure to be converted into an accessory dwelling unit (ADU) pursuant to Millcreek's ADU Code ([MKZ 18.21.130](#)). On June 12<sup>th</sup> 2025, the applicant did apply to get the structure declared legal nonconforming pursuant to Millcreek's Nonconformities Code ([MKZ 18.60.090](#)).

#### 18.21.130 Existing Buildings

A detached building, that is noncomplying and was legally established as determined under MKZ 18.60, Nonconformities, may be converted, or expanded for the purpose of converting, or enlarged for the purpose of converting, to an accessory dwelling unit upon permit authorized by the Land Use Hearing Office provided that the Land Use Hearing Officer shall find:

1. The side or rear setbacks of the detached building are not further reduced to accommodate the ADU;
2. The detached building does not have a light source projecting onto an abutting property;
3. The facade of the detached building located within five feet (5') and facing an abutting property line, does not have any balconies, porches, landings, stairs, doors, or windows;

4. For properties with rear yards that abut an RM, C-1, or C Zone, the detached building does not exceed 24 feet in height;
5. For all properties, located abutting a Residential Zone Boundary or a legally-established residential dwelling, the detached building does not protrude higher than the measured height of the existing noncomplying structure being expanded;
6. Does not create any new visual impacts that a fence or wall cannot otherwise mitigate;
7. The detached ADU can accommodate all required parking on the property, and does not violate or diminish the required off-street parking standards, including parking requirements of this title;
8. Does not violate applicable standards and regulations outlined in the applicable zoning district;
9. The structure or proposed expansion of the structure is not within any recorded easement;
10. Does not result in runoff or drainage from the accessory building onto an abutting property;
11. The detached building shall meet all other requirements of MKZ 18.71.090, except as provided otherwise in this section; and
12. Meets the applicable sections of the adopted building and fire codes of the City.

The Land Use Hearing Officer may impose conditions and limitations upon issuance of a permit for an addition to, enlargement of, moving of, or reconstruction of a structure as necessary to prevent or mitigate adverse effects on other properties located in the neighborhood of the subject property, consistent with the standards of this Title.

## **FINDINGS, CONCLUSIONS, & RECOMMENDATION**

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### **Findings:**

1. Non-conforming structures may be converted into an ADU according to the terms set forth in the land use ordinance. [MKZ 18.21.130](#)
2. The property is currently located within the R-1-8 Zone.
3. According to the Office of the Salt Lake County Recorder, the home appears to have been originally built in 1962.
4. According to the provided building permit for the garage, it appears to have been originally built in 2000.
5. The footprint of the existing garage will not be expanded.
6. Current Millcreek Code requires that detached ADUs to be 5 feet from the rear and side property line. The existing structure is only 1 foot from the north rear property line and 12 feet 6 inches from the east side property line.
7. The property will still meet the one covered parking requirement for the main residence.

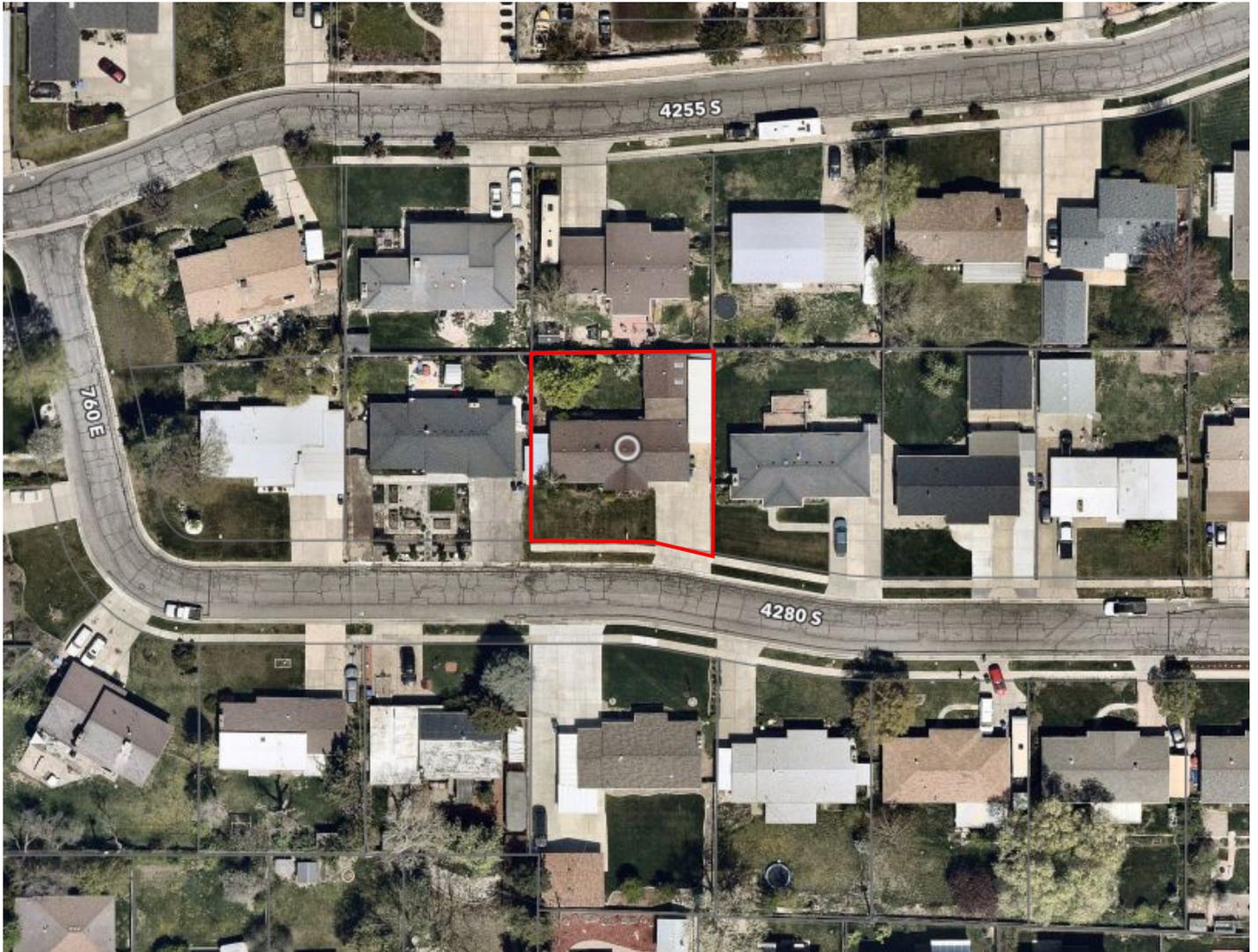
### **Conclusions:**

1. The scope of work for the conversion of the existing garage into an ADU will comply with the approval criteria listed in [MKZ 18.21.130](#).
2. The conversion will not be detrimental to the health, safety and general welfare of persons residing within a reasonable distance of the subject property, nor does it impose any unreasonable burden upon the lands located in the vicinity of the nonconforming structure.

## **SUPPORTING DOCUMENTS**

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- **Aerial Imagery**
- **Letter of Intent**
- **Plan Set**
- **Nonconformities Determination Letter**
- **Additional Documents**



Dear Hearing Officer,

I, Zoe Parmeter, am submitting this proposal to convert a former woodshop in my backyard to an Accessory Dwelling Unit (ADU) for single or dual occupancy. I'm recently divorced, and having the ADU onsite will offset my mortgage cost and allow me to stay in this wonderful neighborhood.

The following requirements are already met and need no alterations:

The side or rear setbacks of the detached building are not further reduced to accommodate the ADU.

The detached building does not have a light source projecting onto an abutting property.

The facade of the detached building located within five feet (5') and facing an abutting property line, does not have any balconies, porches, landings, stairs, doors, or windows.

For properties with rear yards that abut an RM, C-1, or C Zone, the detached building does not exceed 24 feet in height. (Zoned as R-1-8).

For all properties, located abutting a Residential Zone Boundary or a legally-established residential dwelling, the detached building does not protrude higher than the measured height of the existing noncomplying structure being expanded.

Does not create any new visual impacts that a fence or wall cannot otherwise mitigate.

The detached ADU can accommodate all required parking on the property, and does not violate or diminish the required off-street parking standards, including parking requirements of this title.

Does not violate applicable standards and regulations outlined in the applicable zoning district.

The structure or proposed expansion of the structure is not within any recorded easement.

Does not result in runoff or drainage from the accessory building onto an abutting property.

The detached building shall meet all other requirements of MKZ 18.71.090, except as provided otherwise in this section; and meets the applicable sections of the adopted building and fire codes of the City.

The only necessary adjustments are to ins water and sewer lines (both tied in to the existing water/sewer of the house) by a licensed contractor. I will also expand the size of one window to meet the requirements of MKZ 18.71.090 and ensure the tenant has a secondary emergency exit.

Thank you for your consideration. Don't hesitate to reach out with any further questions, I eagerly await your response!

Zoe Parmeter

[zoeparmeter@gmail.com](mailto:zoeparmeter@gmail.com)

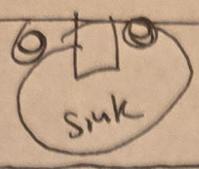
218-355-8752



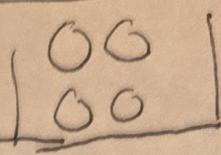


5ft

20ft



DW



10ft+

Window

T

smoke

utility closet

smoke

10ft

Mini split window

Door

20ft

this window  
I will be expanded



**Planning and Zoning  
Nonconformities Determination Letter**

**Date:** 6/17/2025  
**Applicant:** Zoe Parmeter  
**Property Address:** 809 East 4280 South  
**Parcel No.:** 22-05-107-010-0000  
**Zone:** R-1-8  
**File No.:** MSC-25-002

Dear Zoe,

On June 12<sup>th</sup>, 2025, you applied for a nonconformities determination to have a noncomplying accessory structure reviewed and given legal nonconforming status. The property is located at 809 E 4280 S and falls within Millcreek's Single-Household Residential Zone (R-1-8). Under Millcreek's current Zoning Ordinance, the R-1-8 Zone permits detached single-family dwellings with accessory structures and Accessory Dwelling Units (ADU). [MKZ 18.36](#). The existing accessory structure does not meet the Millcreek's current Accessory Structures ordinance in regard to the setbacks as the structure currently sits 1 foot away from the rear property line. Millcreek's code requires accessory structures up to 14 feet in height must be setback at least 30 inches away from the rear and side property line. [MKZ 18.59](#). You are also looking to convert this accessory structure into an accessory dwelling unit (ADU) of which the structure cannot meet the setback requirements as well. Detached ADUs are required to have at least a 5-foot setback from the rear and side property lines. [MKZ 18.71](#).

To receive the nonconformities determination, an applicant must include evidence that clearly establishes the subject use or structure lawfully existed before its current land use designation. [MKZ 18.60.090](#). The evidence provided by the applicant and the findings from staff are as follows.

According to the records from the Salt Lake County Assessor, and information provided by you, the home was constructed in 1962 and the accessory structure was built around 2000. Click [HERE](#) for the Salt Lake County Assessor's webpage.

The historic zoning ordinance from 1998 permitted accessory structures to be built 1 foot away from the property line. You have provided a building permit for the detached accessory structure showing that the structure was reviewed and approved by Salt Lake County on July 11, 2000. And as shown on the plans approved by the County the accessory structure met this 1-foot setback requirement as required by the zoning ordinance of the time. The historic zoning ordinance is attached as Exhibit A, and the building permit approved by Salt Lake County is attached as Exhibit B.

**Millcreek City Hall**  
1330 E Chambers Ave  
Millcreek, Utah 84106  
millcreekut.gov



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

Based on the evidence and findings listed above, Millcreek staff has determined that the evidence provided sufficiently establishes that the accessory structure lawfully existed before the current land use regulations.

If you have any questions concerning this letter, please feel free to contact Millcreek Planning and Zoning at: (801) 214-2700 or [planner@millcreekut.gov](mailto:planner@millcreekut.gov).

Any person adversely affected by a final decision of the Planning Director or other official enforcing the provisions of this chapter may appeal that decision to the appeal authority as set forth in [MKZ 18.04](#). A notice of appeal must be filed with the Planning Director within ten (10) business days of the issuance of a written administrative decision from a Land Use Authority.

Sincerely,

A handwritten signature in black ink that reads "Zack Wendel". The signature is written in a cursive, flowing style.

Zack Wendel, Planner

**Chapter 19.14**

**R-1-3, R-1-4, R-1-5, R-1-6, R-1-7,  
R-1-8, R-1-10, R-1-15, R-1-21, R-1-43  
SINGLE-FAMILY RESIDENTIAL ZONES**

**Sections:**

- 19.14.010 Purpose of provisions.
- 19.14.020 Permitted uses.
- 19.14.030 Conditional uses.
- 19.14.040 Lot areas and widths.
- 19.14.050 Yards.
- 19.14.060 Building height.
- 19.14.070 Coverage of rear yards.
- 19.14.080 Informational.

**19.14.010 Purpose of provisions.**

The purpose of the R-1 zones is to establish single-family neighborhoods which provide persons who reside therein a comfortable, health, safe and pleasant environment. (Ord. 1285 § 2 (part), 1994)

**19.14.020 Permitted uses.**

Permitted uses in the R-1 zones are as follows:

<b>Zone</b>	<b>Permitted Uses</b>
All R-1 zones	<ul style="list-style-type: none"> <li>— Accessory uses and buildings customarily incidental to a permitted use provided the total square footage of all accessory buildings does not exceed eight hundred square feet on lots under one-half acre or one thousand two hundred square feet on lots one-half acre or larger;</li> <li>— Agriculture;</li> <li>— Home day care/preschool, subject to Section 19.04.293;</li> <li>— Household pets.</li> </ul>
R-1-6, R-1-7, R-1-8, R-1-10, R-1-15	<ul style="list-style-type: none"> <li>— Single-family dwelling.</li> </ul>
R-1-21, R-1-43	<ul style="list-style-type: none"> <li>— Animals and fowl for family food production;</li> <li>— Guesthouse, the square footage must be less than one thousand two hundred square feet;</li> </ul>

- Maximum of four horses for private use only, not for rental;
- Single-family dwelling.

(Ord. No. 1285 § 2 (part), 1994)

**19.14.030 Conditional uses.**

Conditional uses in the R-1 zones are as follows:

<b>Zone</b>	<b>Conditional Uses</b>
All R-1 zones	<ul style="list-style-type: none"> <li>— Accessory uses and buildings customarily incidental to a conditional use. Any accessory building or buildings where the total square footage exceeds eight hundred square feet on lots under one half-acre or one thousand two hundred square feet on lots one-half acre or larger;</li> <li>— Cemetery;</li> <li>— Day care/preschool center, subject to Section 19.76.260;</li> <li>— Golf course;</li> <li>— Home day care/preschool, subject to Section 19.04.293;</li> <li>— Home occupation;</li> <li>— Planned unit development;</li> <li>— Private educational institutions having an academic curriculum similar to that ordinarily given in public schools;</li> <li>— Private nonprofit recreational grounds and facilities;</li> <li>— Public and quasi-public uses;</li> <li>— Residential facility for elderly persons;</li> <li>— Temporary buildings for uses incidental to construction work, which building must be removed upon the completion of the construction work. If such buildings are not removed within ninety days upon completion of construction work or thirty days after notice, the building will be removed by the county at the expense of the owner.</li> </ul>

R-1-3, R-1-4, — Single-family dwelling.

R-1-5 — Single-family project developments

The planning commission may approve a detailed development plan for the entire single-family project in an R-1-3, R-1-4, R-1-5 zone, pursuant to Chapter 19.84 of this title. Thereafter, the development services division director may, as authorized by the planning commission, approve use permits for individual residential uses, provided that the plans comply with all requirements and conditions of the approved development plan.

R-1-6, R-1-7, R-1-8, R-1-10, R-1-15 — Nursery and greenhouse, provided that there is no retail sales;

— Pigeons, subject to city-county health department regulations;  
 — Residential health care facility for up to five residents on streets less than eighty feet in width, and up to ten residents on streets eighty feet and wider, excluding the facility operator and his/her related family with a maximum of one nonresident part-time relief employee on the premises at any one time unless additional staffing is required by the Utah Department of Health,

which use shall not change the residential appearance and character of the property;

— Sportsman's kennel with a minimum lot area of one acre.

R-1-21, R-1-43

— Bed and breakfast homestay;  
 — Nursery and greenhouse; provided, that there is no retail sales;

— Pigeons, subject to city-county health department regulations;

— Residential health care facility for up to five residents on streets less than eighty feet in width, and up to ten residents on streets eighty feet and wider, excluding the facility operator and his/her related family with a maximum of one nonresident part-time relief employee on the premises at any one time unless additional staffing is required by the Utah Department of Health, which use shall not change the residential appearance and character of the property;

— Sportsman's kennel with a minimum lot area of one acre.

(Ord. 1338 § 2 (part), 1996; Ord. 1285 § 2 (part), 1994)

**19.14.040 Lot areas and widths.**

The minimum lot area and width requirements are as follows:

Zone	Minimum Lot Area	Minimum Lot Width
R-1-3	3,000 square feet	25 feet at a distance 20 feet from the front lot line
R-1-4	4,000 square feet	Same as above
R-1-5	5,000 square feet	Same as above
R-1-6	6,000 square feet	60 feet at a distance 25 feet from the front lot line
R-1-7	7,000 square feet	65 feet at a distance 25 feet from the front lot line
R-1-8	8,000 square feet	Same as above
R-1-10	10,000 square feet	80 feet at a distance 30 feet back from the front lot line

19.14.040

Zone	Minimum Lot Area	Minimum Lot Width
R-1-15	15,000 square feet	Same as above
R-1-21	21,780 square feet (½ acre)	100 feet at a distance 30 feet from the front lot line
R-1-43	43,560 square feet (1 acre)	Same as above

(Ord. 1285 § 2 (part), 1994)

**19.14.050 Yards.**

A. The minimum yard requirements for a dwelling unit are as follows:

Zone	Minimum Front Yard	Minimum Side Yards	Minimum Rear Yard	
			Without garage	With garage
All R-1 zones		On corner lots 20 feet from a public street		
R-1-3, R-1-4, R-1-5	20 feet	5 feet unless attached to a dwelling on an adjacent lot	20 feet	15 feet
R-1-6, R-1-7, R-1-8	25 feet	5 feet one side and 11 feet on the garage or driveway side  <u>or</u> Without garage      With garage  8 feet minimum      8 feet total of both sideyards to be 18 feet	30 feet	15 feet
R-1-10, R-1-15, R-1-21	30 feet	Without garage      With garage  10 feet minimum      10 feet total of both sideyards to be 24 feet	Same as above	
R-1-43	30 feet	Without garage      With garage  15 feet                      15 feet	Same as above	

B. The minimum yard requirements for an accessory building are as follows:

Zone	Minimum Front Yard	Minimum Side Yards	Minimum Rear Yard
All R-1 zones		Corner lots 20 feet from the public street and 10 feet from property line if adjacent to the sideyard of a dwelling on an adjacent lot	
R-1-3, R-1-4, R-1-5, R-1-6, R-1-7, R-1-8, R-1-10, R-1-15	Must be in the rear yard and 6 feet away from the dwelling.	1 foot	1 foot
R-1-21, R-1-43	30 feet	If the accessory building is in the side or front yard of the main building it must meet the side yard requirements of the main building, otherwise 1 foot	1 foot

C. The minimum yard requirements for a main building other than residential are as follows:

Zone	Minimum Front Yard	Minimum Side Yards	Minimum Rear Yard
R-1-3, R-1-4, R-1-5	20 feet	20 feet	20 feet
R-1-6, R-1-7, R-1-8	25 feet	20 feet	30 feet
R-1-10, R-1-15, R-1-21, R-1-43	30 feet	20 feet	30 feet

(Ord. 1285 § 2 (part), 1994)

19.14.060

**19.14.060 Building height.**

Except as otherwise specifically provided in this title no building or structure shall exceed the following height (see Section 19.04.095 (A) for definition of "height"):

**A. Main Buildings.**

1. Thirty feet on property where the slope of the original ground surface exceeds fifteen percent or the property is located in the hillside protection zone. The slope shall be determined using a line drawn from the highest point of elevation to the lowest point of elevation on the perimeter of a box which encircles the foundation line of the building or structure. Said box shall extend for a distance of fifteen feet or to the property line, whichever is less, around the foundation line of the building or structure. The elevation shall be determined using a certified topographic survey with a maximum contour interval of two feet.

2. Thirty-five feet on properties other than those listed in number one of this subsection.

3. No dwelling shall contain less than one story.

**B. Accessory buildings.**

1. Sixteen feet. (Ord. 1285 § 2 (part), 1994)

**19.14.070 Coverage of rear yards.**

No accessory building or group of accessory buildings shall cover more than twenty-five percent of the rear yard. (Ord. 1285 § 2 (part), 1994)

**19.14.080 Informational.**

For additional information refer to the zoning ordinance and in particular the following sections:

19.76.020 Occupancy permit.

19.04.560 Yard.

19.76.080 Lots and buildings on private rights-of-ways.

19.76.100 Sale of space needed to meet requirements.

19.76.140 Private garage or carport—Reduced yards.

19.76.190 Height limitations—Exceptions.

19.76.200 Additional height allowed when.

19.76.210 Off-site improvements.

19.76.290 Single-family or two-family dwellings—Standards.

19.80.040 Number of spaces required. (Ord. 1285 § 2 (part), 1994)

6582

DEPARTMENT OF PUBLIC WORKS  
2001 S. State St. #N3600,  
Salt Lake City, UT 84190-4050

SALT LAKE COUNTY  
DEVELOPMENT SERVICES DIVISION  
**BUILDING PERMIT**

Application #

706989

Inspection Requests: 468-2163  
Code Questions: 468-2000  
Fax: 468-2169

(This application becomes a permit upon required approvals and acceptance of required fees.)

Property Address 809 EAST 4280 SOUTH

Applicant John M. Gordon Phone 266-5980

Applicant Address 809 EAST 4280 SOUTH City/Zip: SLC 84107

Fax number: 801-269-0093 e-mail address: BUCDRONT@VII.COM

Property Owner Same Phone \_\_\_\_\_ Fax \_\_\_\_\_

Owners Address Same City/Zip: \_\_\_\_\_

LICENSED CONTRACTOR DECLARATION: **CHECK ONE**  OWNER-BUILDER DECLARATION

I hereby affirm that all work will be performed by contractors licensed under the Construction Trades Licensing Act (58-55, UCA) whose licenses are in full force and effect.

I hereby claim exemption from the requirement for licensing under the Construction Trades Licensing Act (58-55, UCA) because work will be performed by the owner of the property for his/her private, non-commercial, non-public use. Any work not performed by the owner will be performed by a contractor licensed under the Construction Trades Licensing Act, and the names and license numbers of the contractors shall be provided to Salt Lake County, and shall be entered on the permit before their work is begun.

This permit shall become null and void if work is not commenced within 180 days, or if work is suspended or abandoned for a period of 180 days or more at any time after the work has commenced. Commencement or continuation of work shall be verified only by inspection reports from Salt Lake County inspectors. All required inspections shall be requested at least on working day before they are to be made. Inspections are required before any work is covered. Please call if you need further information about when an inspection is required.

I hereby certify that I have read and examined this permit and that the information provided by me is true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

Applicant Signature: [Signature] Date: 7-11-00 Print Name: John M. Gordon

**CONTRACTORS/DESIGNERS**

Name	State License #	Phone #
General _____	_____	( ) _____
Electrical _____	_____	( ) _____
Mechanical _____	_____	( ) _____
Plumbing _____	_____	( ) _____
Architect/Engineer _____	_____	( ) _____

Office Use Only

Applicant Type:  Singlefam  Twofamres  Multifam  Nonresbldg  Nonresnonb  Preinspect

Electrical  Plumbing  Mechanical  Demolition  Grading

Type Of Work:  New  Add  Remodl  Basmnt  Elec  PtoP  Serchg

TI  Sign  Retwal  Demo

Office Use Only

Project Planning#: \_\_\_\_\_

Cardfile #: \_\_\_\_\_

Valuation 9960.00

Construction Type V-A

Occupant Load \_\_\_\_\_

Group/Division Garage Square Feet 400

Fire Sprinklers

Description Of Work: \_\_\_\_\_

Site/Property Address: 809 E 4280 S. Lot #: \_\_\_\_\_

Coordinate: \_\_\_\_\_ Subdivision/Business Name: \_\_\_\_\_

**HAZARDS**

Liquefaction	H	M	L	VL	Over Pressure	0.5	0.4	0.3	0.2	None
Flood Plain	Yes	No			Fault Rupture	Yes	No			
FCOZ	Yes	No			Avalanche	Yes	No			

Community Council 8 Zone R-1-8 Parcel # \_\_\_\_\_

Minimum Setbacks or  See Approved Site Plan

Front yard \_\_\_\_\_ Side yard \_\_\_\_\_

Rear yard \_\_\_\_\_ Side yard \_\_\_\_\_

Corner Lot Y N Manufactured Home Y N

Zoning Comments Detached Accessory Building

Approved [Signature] Date 7-11-00

APPLICATION TYPE FEES

Building 181.25

Plan Check 30.00

Park Impact \_\_\_\_\_

Electrical \_\_\_\_\_

Mechanical \_\_\_\_\_

Plumbing \_\_\_\_\_

Grading \_\_\_\_\_

Demolition \_\_\_\_\_

Pre-inspection \_\_\_\_\_

State Surcharge 1.81

Prepaid PC ( )

Transaction #: \_\_\_\_\_

Rec'd by: \_\_\_\_\_

TOTAL \$ 213.06

Transaction #: 91414

Rec'd by: Valden

Building Code Comments/Deferrals \_\_\_\_\_

Approved [Signature] Date 7-11-00



John M. Gordon  
809 E. 4280 So  
Salt Lake City, UT 84107

SALT LAKE COUNTY  
BUILDING INSPECTION

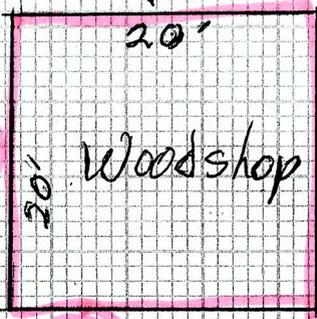
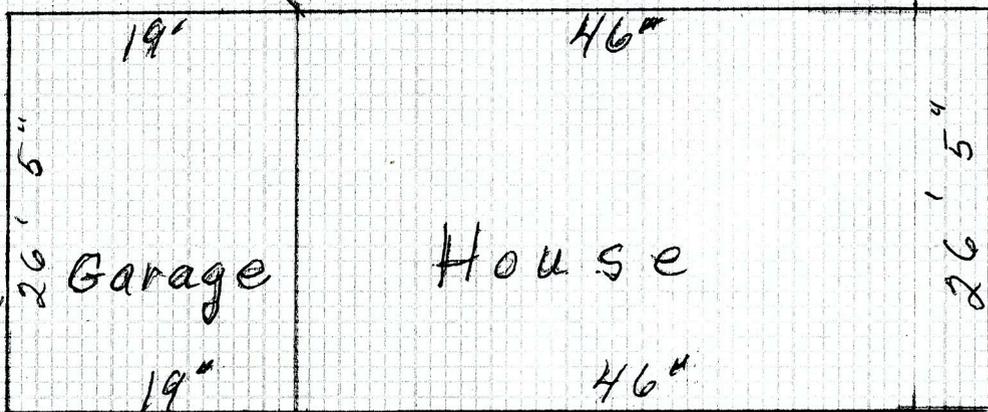
JUL 11 2000

APPROVED

By

*[Signature]*

Driveway



Salt Lake County  
Development Services Division

Zoning Approved

PL:

Detached Accessory Building

By:

*[Signature]*

Date:

7-11-00

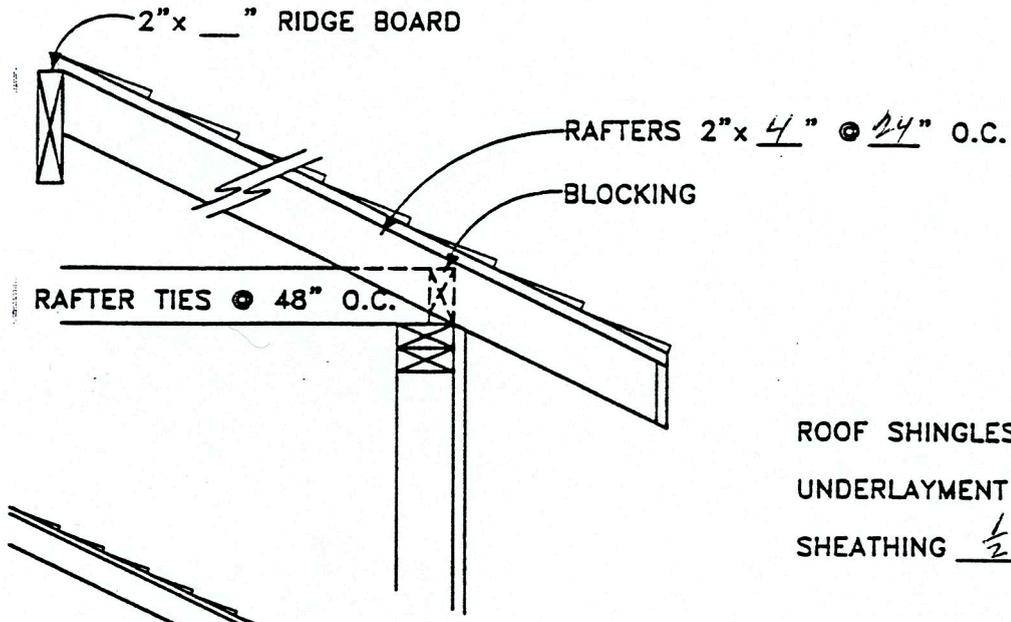
Zone:

R-1-8

88 ft

141

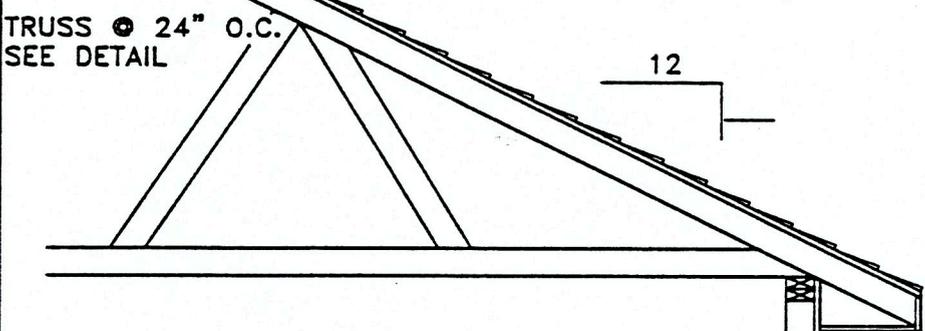
# DETACHED FRAME GARAGE



ROOF SHINGLES Asphalt

UNDERLAYMENT 15

SHEATHING 1/2" WAFCOR BOARD



SIZE OF HEADER OVER DOOR OPENING 6'

WHEN BUILDING IS LESS THAN 3' TO PROPERTY LINE, INSTALL " TYPE X SHEETROCK ON THE EXTERIOR OF THE WALL. COVER WITH #15 FELT AND SIDING. NO WINDOWS OR DOORS ARE ALLOWED IN WALL WHEN BUILDING IS CLOSER THAN 3' TO PROPERTY LINE.

STUDS 2x 4 @ 16 O.C.

EXTERIOR SIDING

BRACING

2x 4 REDWOOD PLATE WITH 1/2"x10" ANCHOR BOLT @ 32" O.C.

3 1/2" MONOLITHIC CONCRETE SLAB

FINISH GRADE

**SALT LAKE COUNTY  
BUILDING INSPECTION**

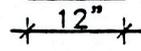
(2) #4 BARS CONTINUOUS

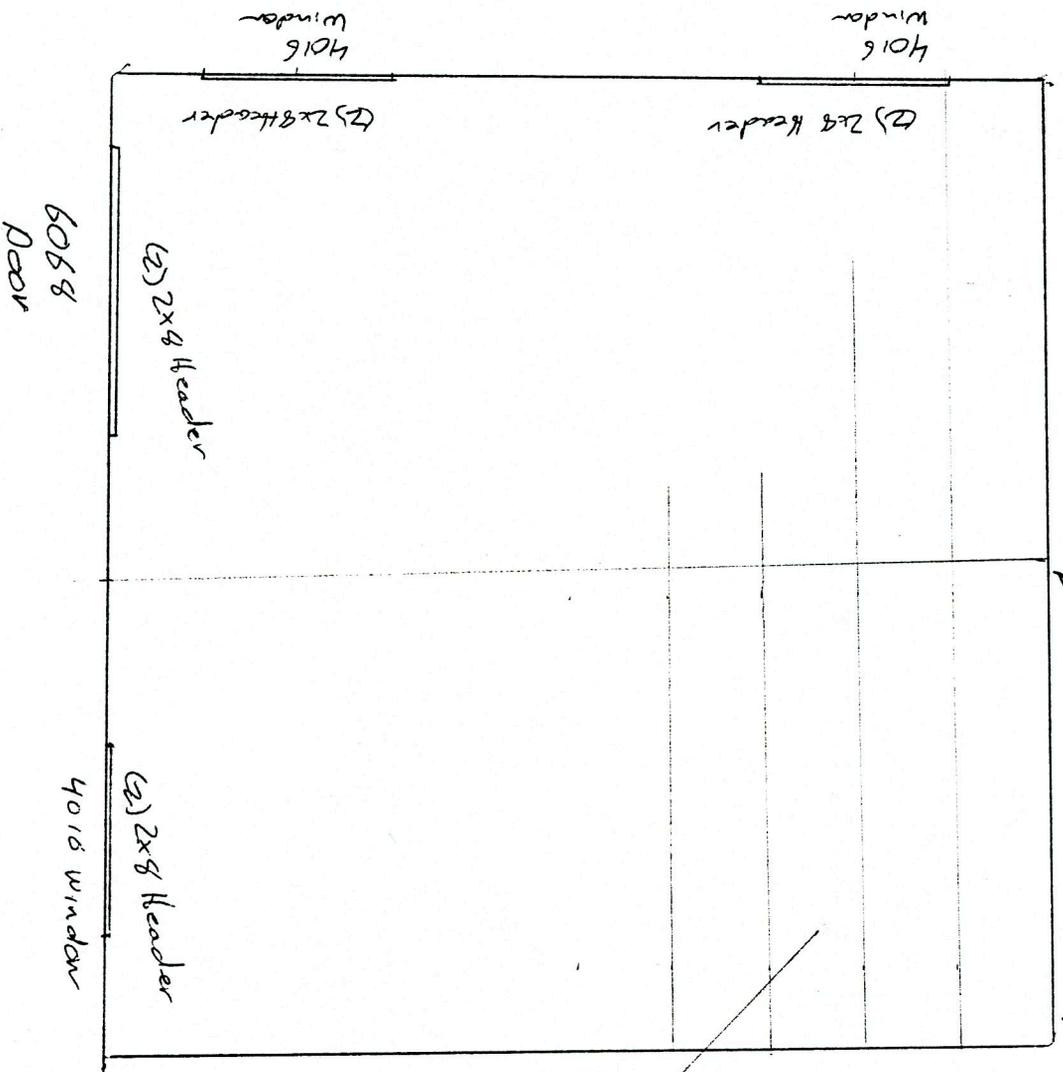
**JUL 11 2000**

**APPROVED**

NOT TO SCALE

By





Property Line

1 hr. Fire Wall Type X  
5/8" Sheetrock on Exterior

Pre-fab Trusses @ 24" O.C.

**SALT LAKE COUNTY  
BUILDING INSPECTION**

**JUL 11 2000**

**APPROVED**

By \_\_\_\_\_

