

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



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

LUHO-24-013

Staff Report

Meeting Date: 1/16/2025

Applicant: Leezanna Hill

Re: Expand a noncomplying structure

Property Address: 4531 S Mathews Way

Zone: R-1-10

Prepared By: Sean Murray

REQUEST AND SYNOPSIS

The applicant, on behalf of property owners Jordan and Scott Ebbott, has filed an application with Millcreek to expand a noncomplying structure. The application is seeking relief from the height and building envelope standards laid out in MKZ 19.71.030(B)(1) and 19.71.030(B)(8).

The property located at 4531 S Mathews Way was originally constructed in 1977 with a large remodel done in 2010. At the time of construction and the remodel, the height limitation in the zone was 35'. Since this remodel, the maximum height in the R-1-10 zone was reduced to 30' and then later increased to 32'.

The applicant is requesting to expand the non-complying roofline of the existing house by approximately nine feet and two inches (9'2"). The expansion is to cover an extension of an existing balcony on the top floor of the home. The new roofline would be in line with the existing roofline but would be above the currently allowed max height and outside the building envelope.

The applicant is proposing other additions to the house that shall comply with the current standards in the base R-1-10 zone and the Residential Compatibility Overlay Zone (RCOZ).

Rules for expanding a noncomplying structure are laid out in MKZ 19.88 Nonconforming Uses and Noncomplying Structures and MKZ 19.92 Land Use Hearing Officer. Expansions of noncomplying structures must be approved by the Land Use Hearing Officer. The relevant code sections for this type of application can be found below.

RELEVANT CODE

MKZ 19.88.070 Additions, Enlargements, Moving And Reconstruction Of A Structure

1. A noncomplying structure or building occupied by a nonconforming use shall not be added to or enlarged in any manner or moved to another location on the lot or reconstructed at another location on the lot except as provided by subsection B of this section unless such additions and enlargements comply with the regulations and intent of this title.
2. A building occupied by a nonconforming use or a noncomplying structure may be added to or enlarged or moved to a new location on the lot or reconstructed at a new location on the lot upon a permit authorized by the land use hearing officer, provided that the land use hearing officer shall find:
 - a. The addition to, enlargement of, moving of, or reconstruction of the structure at a new location on the lot is in harmony with one or more of the purposes of this title as stated in MKZ 19.02.020, and is in keeping with the intent of this title;
 - b. 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 and applicable building envelope requirements, and lot coverage; and
 - c. 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.
 - d. That the proposed change does not impose any unreasonable burden upon the lands located in the vicinity of the nonconforming use or structure.
3. 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.

MKZ 19.92.060 Special Exceptions

The land use hearing officer may approve any of the following special exceptions to the zoning ordinance where he or she determines the exception is consistent with the purposes of the zoning ordinance and will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity:

1. Where a zone boundary line divides a lot in single ownership at the time of the passage of the ordinance codified in this title, the land use hearing officer may permit a use authorized on either portion of such lot to extend not more than fifty feet into the other portion of the lot.
2. The land use hearing officer may permit the enlargement of or addition to a noncomplying structure or a building or structure occupied by a nonconforming use.
3. The land use hearing officer may permit the relocation on a lot of a noncomplying structure or a building or structure occupied by a nonconforming use; or the hearing officer may permit the reconstruction on a lot of a noncomplying structure or a building occupied by a nonconforming use.

SUPPORTING DOCUMENTS

- **A. Applicant Letter of Intent**
- **B. Prior Building Permit**
- **C. Existing Architectural Plans**
- **D. Proposed Architectural Plans**

October 30, 2024

Land Use Hearing Officer,

On behalf of Jordan and Scott Ebbott at 4531 South Matthews Way, we are applying for a special exception for a non-complying structure to extend a roofline to cover an enlarged existing balcony.

This home was built in 1977¹ and had a major remodel completed in 2010. Permit number 729270² for the remodel was approved and issued by Salt Lake County Planning & Development. The property was designated as R-1-10 zone at the time of the remodel construction. The 2009 Zoning Ordinance Book³ stated this zone would have a maximum building height of thirty-five feet (35'). This remodel added square footage above the existing upper level, raising the highest roof ridge height, which still complied with the height restriction⁴ of 35'. The 2010 remodel, with the increased ridge height, was completed before 2013, when the uphill neighboring house at 4512 Abinadi Road was built⁵. The structure on Abinadi Road replaced a tennis court that was on the property and was built after the Mathews Way house was already at its maximum height and obstruction.

The project we are proposing is currently located within the Millcreek R-1-10 zone and the RCOZ overlay area. The Millcreek Zoning Ordinance, (amended Aug. 8, 2024) for building setbacks is defined in Table 19.71.1 R-1 Zones, where R-1-10/RCOZ building height maximum equals thirty-two feet (32'). The roof ridge line is now non-complying with this building height restriction.

We would like the hearing officer to consider granting a special exception for a non-complying structure to extend an existing gable roof line over an existing balcony location, of which the balcony would be enlarged from 35 to 120 square feet.

The proposed balcony extension would be a non-habitable, open-air space. The current existing conditions of the house have a 16' x 3' protrusion from the primary exterior wall plane, and a 7'-6" x 4' balcony out from that protrusion (*Figure A & existing floor plans*). The roof over the protrusion is 16' in width, with additional eave overhangs. We propose extending this roof plane over the new balcony (16' x 9'-6") (*Figure B1 & B2*). The existing and proposed balcony is within the building envelope allowable area. The existing roof over the attic room is not in the buildable area (*Figure B3 & D*). Extending this roof over the new balcony, along with its structural elements, would be a non-complying structure. However, it is not the highest ridge of the roof

¹ Salt Lake County Assessor Record for parcel 22-01-404-002

² See attached reference: Building Permit 729270

³ 2009 is the closest Zoning Book year available per Salt Lake County Archives

⁴ See attached reference: North Elevation with building height notation

⁵ Salt Lake County Assessor Record for parcel 22-01-404-011

(*Figure E*). At its maximum, the roof would be 4'-9" beyond the allowable building height and would protrude into the side building envelope by approximately 3'-8". Additionally, there would be two structural posts at the end of the new roof, set on the balcony. (*See floor plans and elevations for dimensions*).

To remain compatible with the neighborhood and existing style of the home, the design of the balcony cover would use timber beams and posts, match the existing asphalt shingle color and style, and the decking would match the existing front porch (*Figure C*). The nature of the lot is a hillside, creating a natural visual boundary from the street below (*Figure D*). Above the property, the rear-yard neighboring view would not be obstructed by the extension of this roofline, as the existing roofline does not currently obstruct the view.

The homeowner is proposing several improvements to the house, through the typical permitting review process, highlighting an outdoor/indoor living space to increase the relationship with their natural landscape and hillside. The proposed balcony roof extension would further this desire to connect to the natural aspects of the property, and the maximize the views of beautiful Salt Lake valley.

On behalf of Scott and Jordan, we hope this letter provides sufficient detail for the proposed project to create a covered balcony extension beyond the building envelope, and to be in compliance with the land use review process. Thank you for your time and consideration,

Annie V. Schwemmer, AIA
Renovation Design Group



**SALT LAKE COUNTY
PLANNING & DEVELOPMENT SERVICES DIVISION
SINGLE-FAMILY RESIDENTIAL PERMIT**

DEPARTMENT OF PUBLIC WORKS
2001 SOUTH STATE STREET #N3600
SALT LAKE CITY, UT 84190-4050

APPLICATION #

729270

Issue Date: 22-Apr-2010

INSPECTION REQUESTS: (801) 468-2163
CODE QUESTIONS: (801) 468-2000
FAX: (801) 468-2169
WEB ADDRESS FOR INSPECTION: www.pwpds.slco.org/inspect/web/

Property Address: 4531 S MATHEWS WY

Lot / Suite#:

Community Council: East Millcreek

Zone: R110

Land Use Authorized by: Spencer Sanders Date: April 21, 2010

Plan Review by: Spencer Sanders

**PERMIT
DETAILS**

PLANNING

BUILDING

Group/Division: R-3
Fire Sprinkler: No
Construction Type: 5B*SFREM 5,900

Card File:
Building Area: 5,900
Valuation:
188,800.00
Occupant Load:

THIS PERMIT IS FOR: SINGLE-FAMILY RESIDENTIAL

Type of Work: Remodel

Fee Type

Fee Amount

BUILDING PERMIT	3,519.00
CREDIT FOR PREPAID PLAN CHECK	-700.00
LAND USE REVIEW	50.00
PLAN CHECK	703.80
PREPAID PLAN CHECK	700.00
STATE SURCHARGE	35.19
Transaction #: 196005/Received by:BLUJAN	4,307.99

OWNER BUILDER DECLARATION

I hereby claim exemption from the requirement for licensing under the Construction Trade Licensing Act (58-55, UCA) because work will be performed by the owner of the property for his/her private, noncommercial nonpublic use. Any work not performed by the owner will be performed by a contractor license under the Construction Trade Licensing Act, and the names and license number(s) 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 one 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 provision of Laws and ordinance 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 provision of any other state or local law regulating construction or the performance of construction.

Applicant: KARIM OMANA

Print

Karim Omana

Signature

[Signature]

Date

4-22-10

Zoning approved by _____

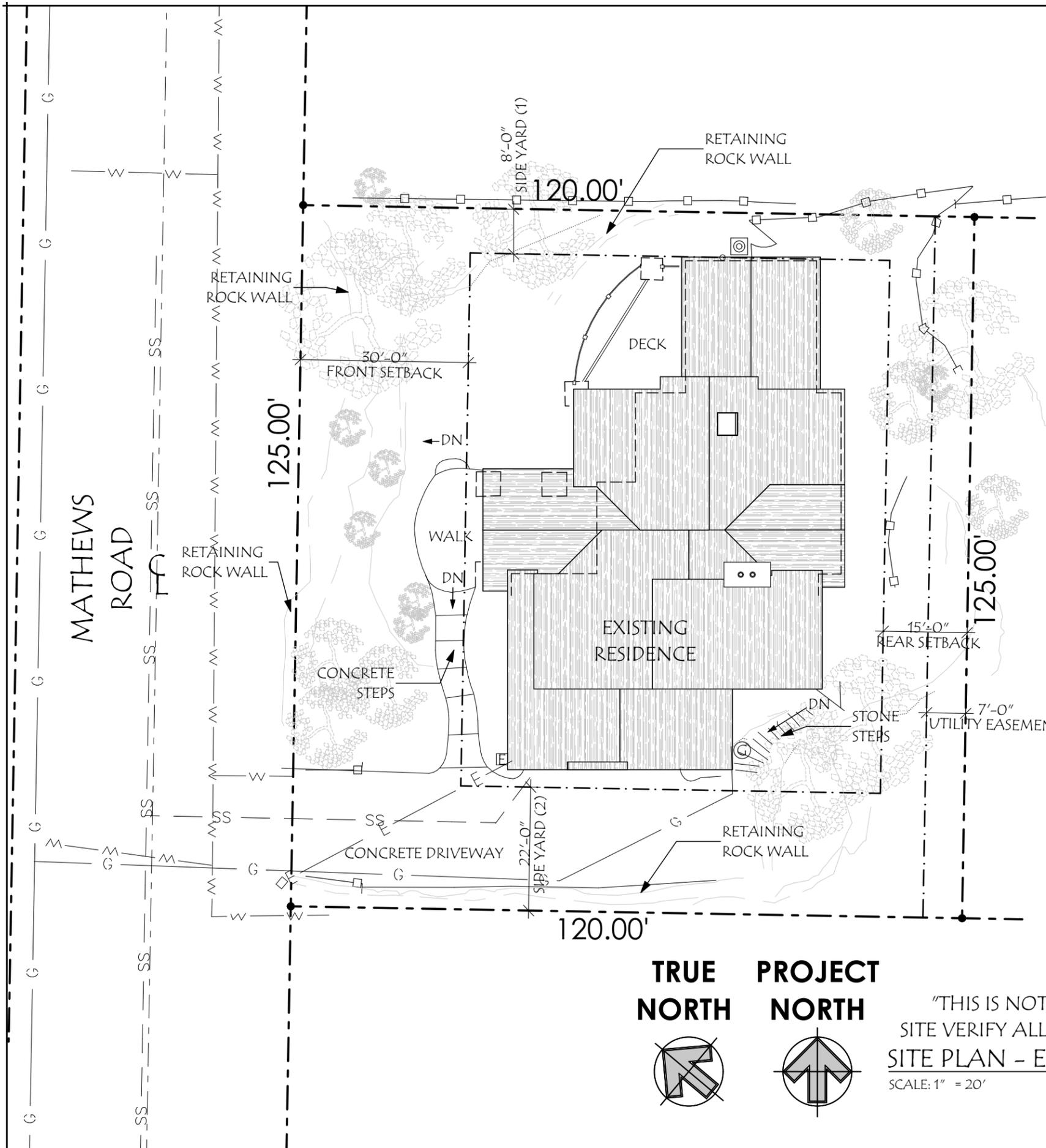
Date _____

Building approved by _____

Date _____

[Signature]

4-22-10

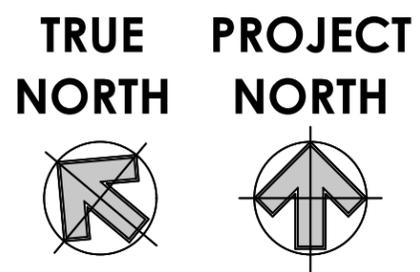


LOT WIDTH FOR SIDE SETBACK RCOZ		
LOT WIDTH IS DETERMINED BY INSCRIBING THE LARGEST CIRCLE THAT CAN FIT WITHIN THE PROPERTY LINES		
LOT WIDTH (IN.)		120'
COMBINED SIDE SETBACK (IN.)	25%	30'
SIDE SETBACK (1) (IN.)		8'-0"
SIDE SETBACK (2) (IN.)		22'-0"
BUILDING COVERAGE		
LOT SIZE		14810 SF
PERCENTAGE ALLOWED		31%
TOTAL ALLOWABLE SF		4591 SF
EXISTING HOUSE		3498 SF
EXISTING DECKS		660 SF
TOTAL BUILDING COVERAGE		4158 SF
% OF BUILDING COVERAGE		28 %

JORDAN & SCOTT EBBOTT	
4531 S. MATHEWS WAY SALT LAKE CITY, UT 84124	
LOT #1007, MT. OLYMPUS COVE SUB. (0.34 AC)	
PARCEL No. 22-01-404-002	
ZONING: MILLCREEK	
R-1-10 RCOZ	
FRONT YARD	30'-0"
SIDE YARD (1) RCOZ	8'-0"
SIDE YARD (2) RCOZ	22'-0"
REAR YARD	15'-0"
MAX. BLDG. HGT. RCOZ	30'-0"
ACTUAL/MAXIMUM BLDG. COVERAGE OF LOT RCOZ	28%/31%

SITE PLAN LEGEND	
- - -	PROPERTY LINE
- . -	BUILDING SETBACK
- □ -	FENCE
(W)	WATER METER
- W -	WATER LINE
(E)	ELECTRICAL METER
- E -	ELECTRICAL SERVICE LINE
(G)	GAS METER
- G -	NATURAL GAS LINE
←	DIRECTION OF SLOPE
(C)	A/C CONDENSER UNIT
- C -	CENTER LINE OF STREET
[Hatched]	EXISTING CONSTRUCTION
[Solid]	PROPOSED CONSTRUCTION
[Dotted]	FOUR FEET (4') SETBACK BUFFER

GENERAL NOTES	
1. THIS IS NOT A SURVEY, FIELD VERIFY ALL SITE CONDITIONS AND IMMEDIATELY NOTIFY THE ARCHITECT REGARDING ACTUAL CONDITIONS AT THE SITE WHICH ARE NOT PER THE DRAWINGS	
2. OWNER TO VERIFY PROPER LOCATION OF PROPERTY LINES AND MAIN BUILDING SET BACKS WITH BOUNDARY SURVEY	
3. CALL 811 BEFORE YOU DIG, IT'S FREE & IT'S THE LAW or 1-800-662-4111, DIRECT AT 801-208-2100 SALT LAKE METRO AREA	



"THIS IS NOT A SURVEY. SITE VERIFY ALL DIMENSIONS"
 SITE PLAN - EXISTING

NOTE: PRELIMINARY - NOT FOR CONSTRUCTION

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JORDAN & SCOTT EBBOTT
REMODEL & ADDITION
 4531 S. MATHEWS WAY
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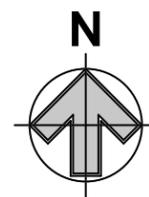
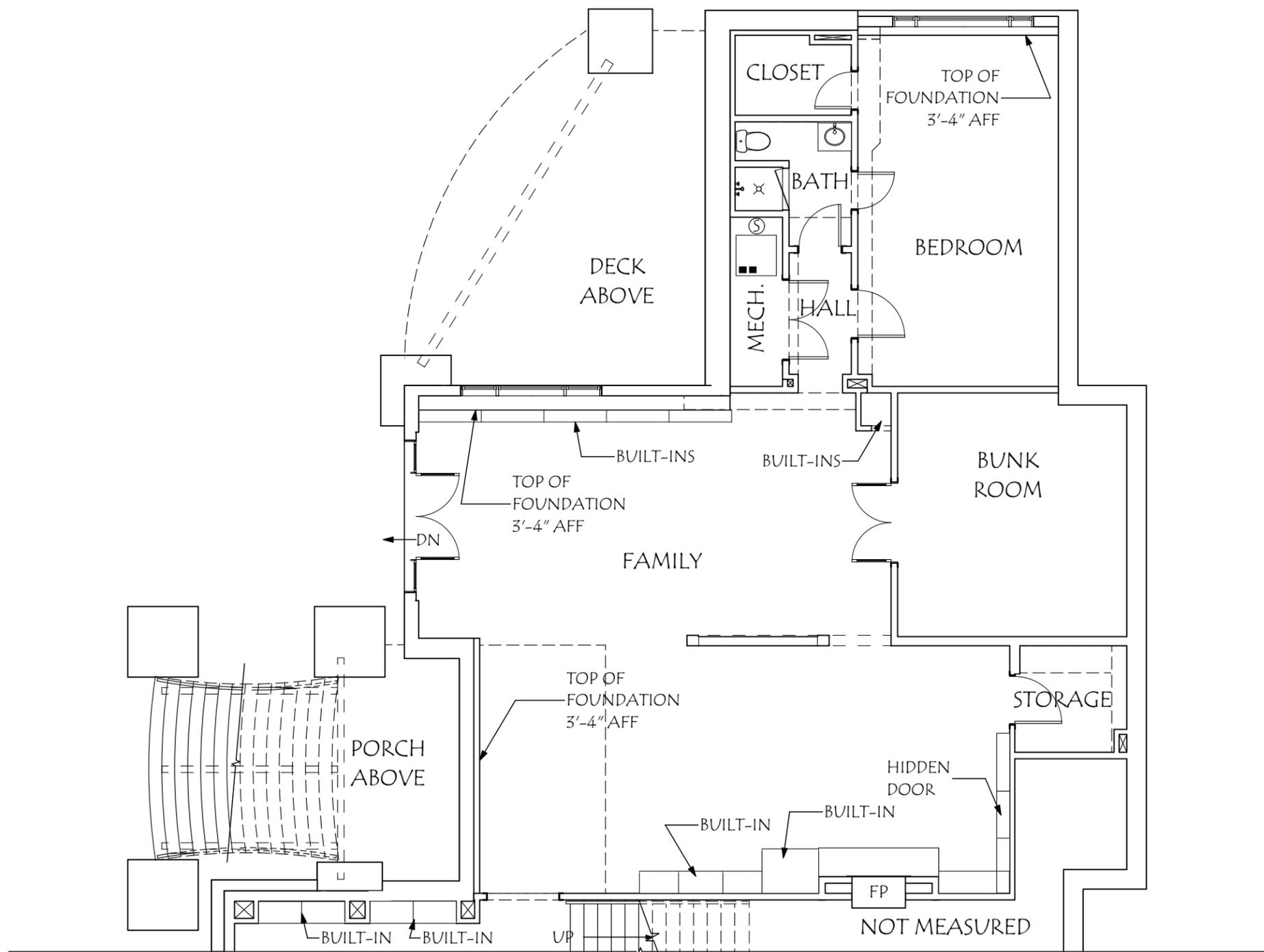
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SITE PLAN - EXISTING

A1

2/15/2024

© COPYRIGHT 2024



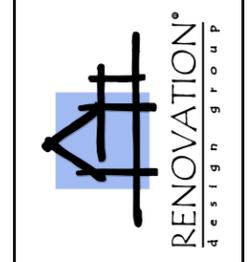
LOWER LEVEL PLAN - EXISTING

SCALE: 1/8" = 1'-0"



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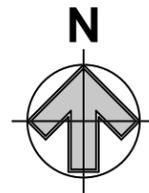
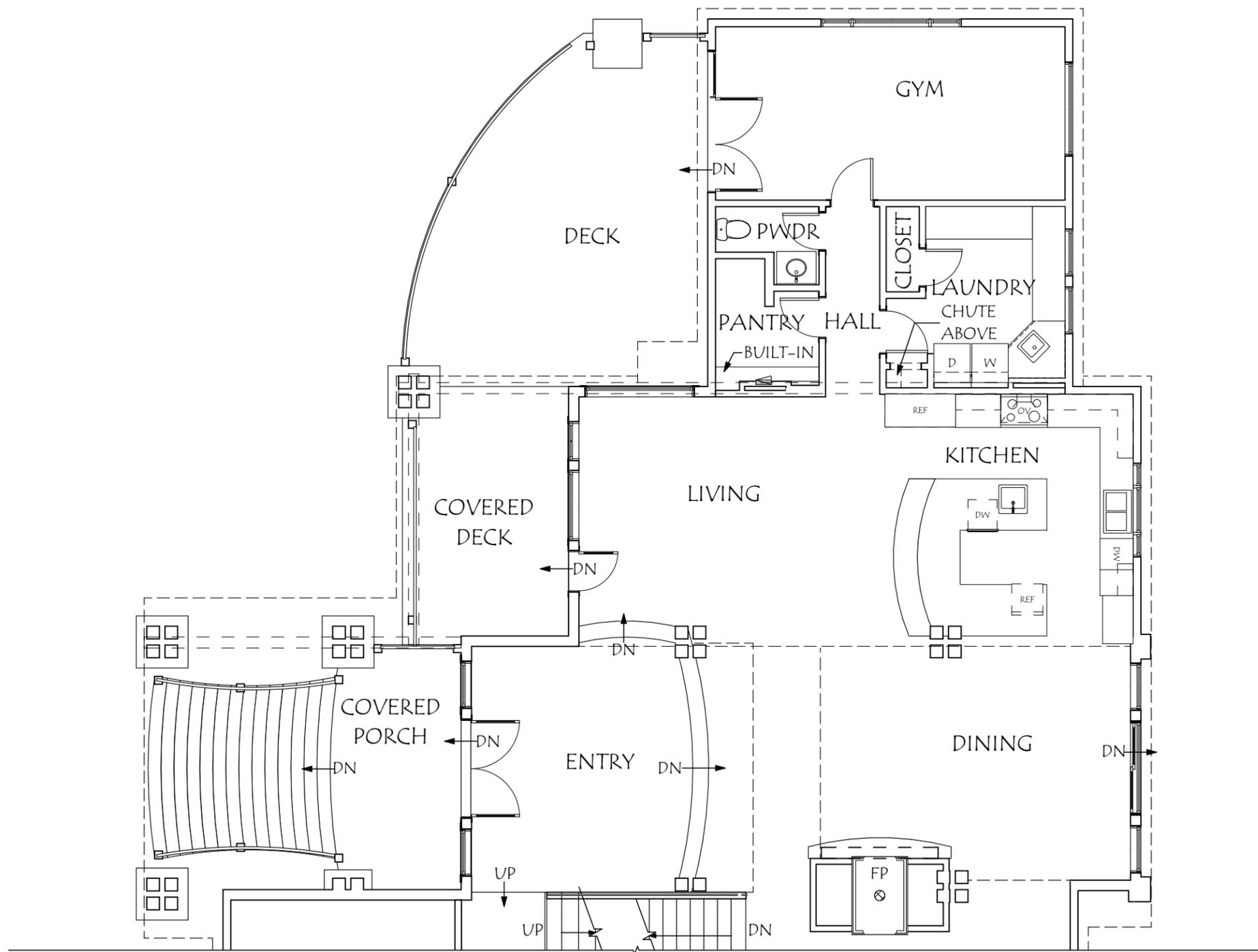
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PROJECT: O/F/I

LOWER
LEVEL PLAN
- EXISTING

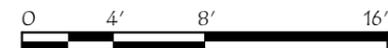
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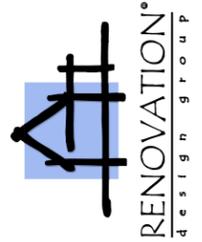
MAIN LEVEL PLAN - EXISTING

SCALE: 1/8" = 1'-0"



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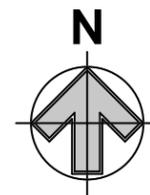
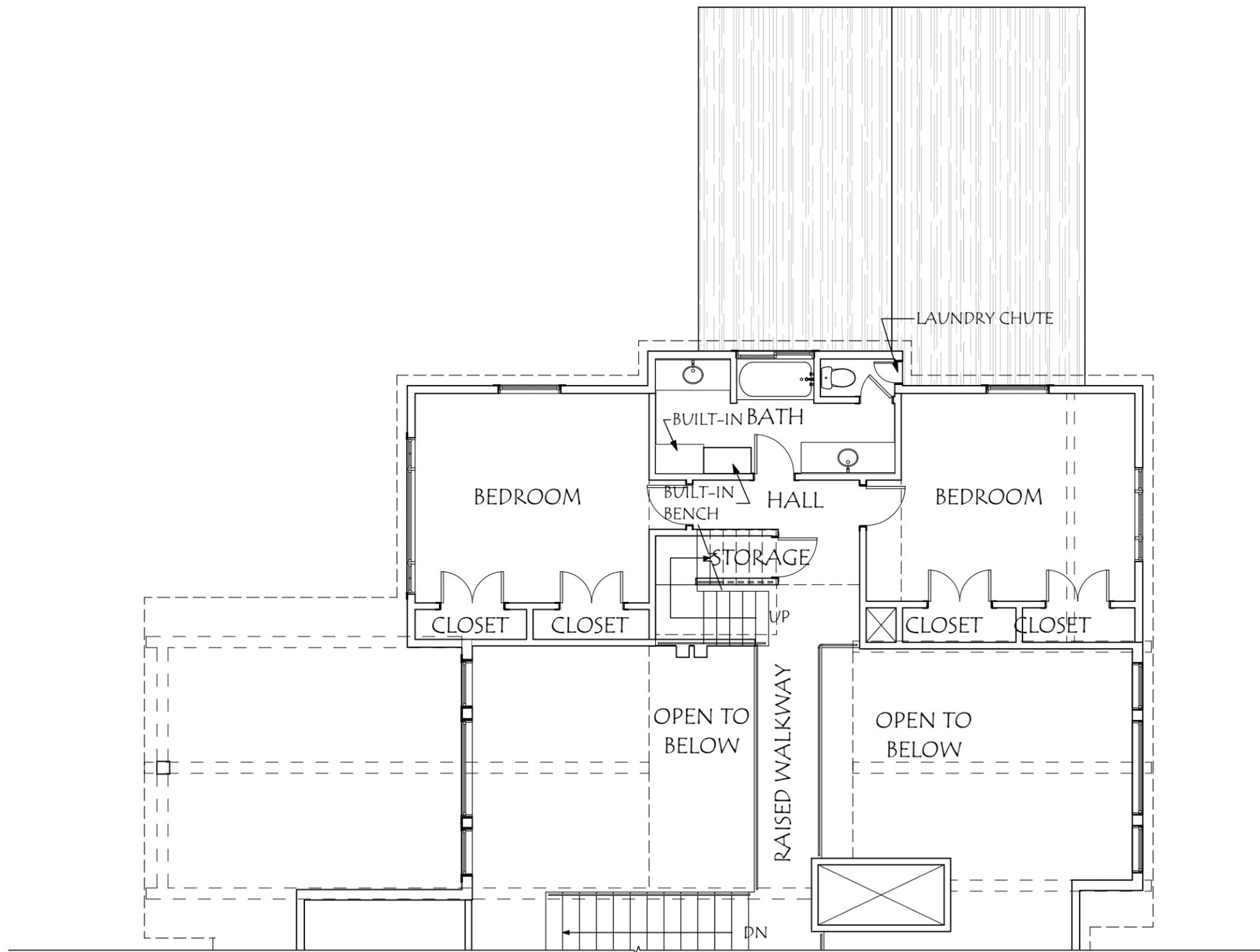
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MAIN LEVEL
PLAN -
EXISTING

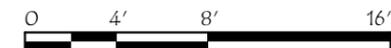
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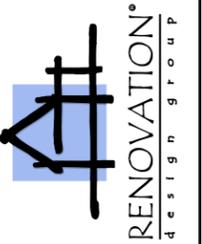
UPPER LEVEL PLAN - EXISTING

SCALE: 1/8" = 1'-0"



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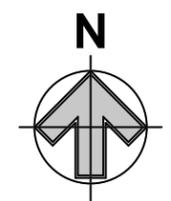
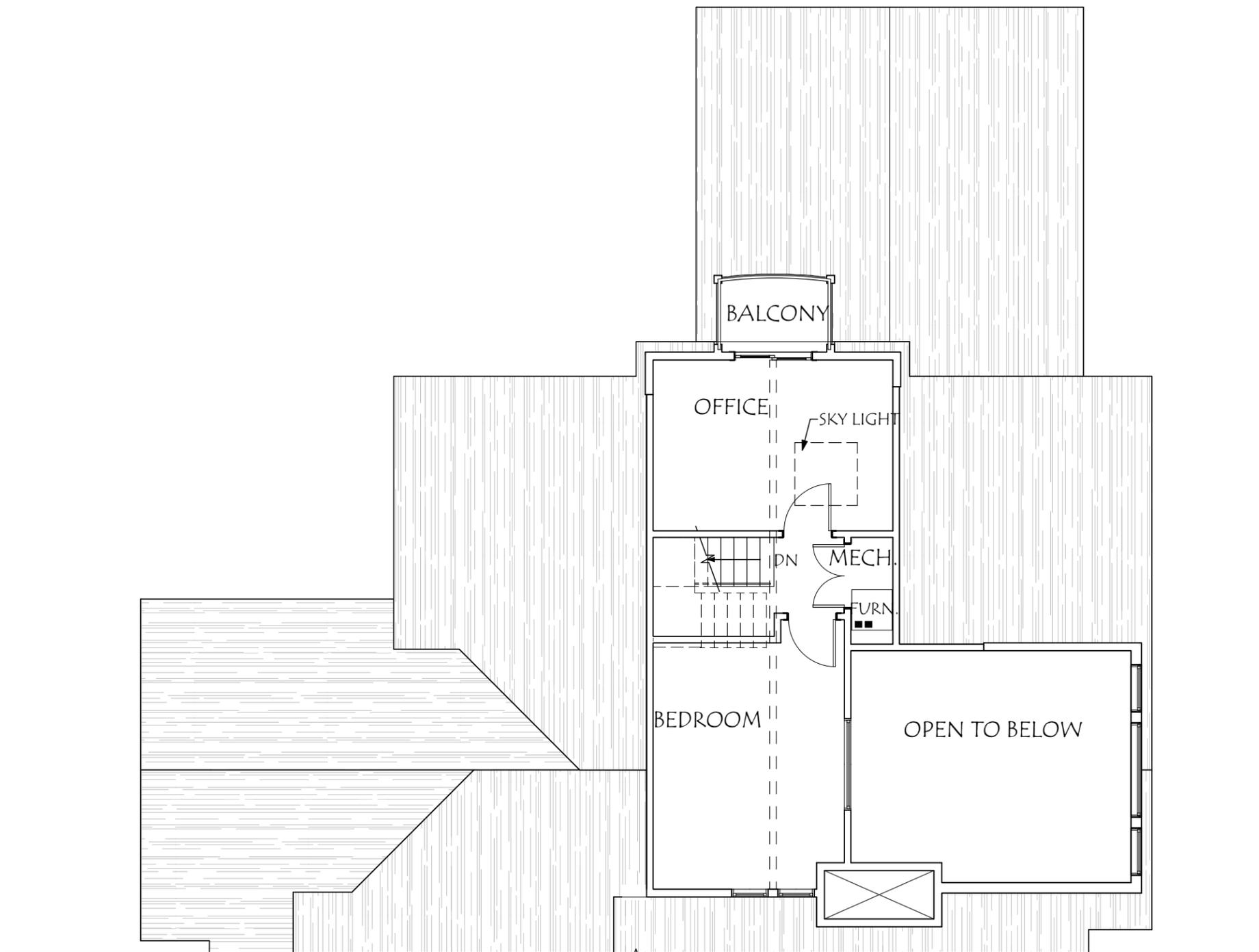
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UPPER
LEVEL PLAN
- EXISTING

A2

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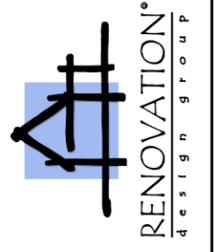


ATTIC LEVEL PLAN - EXISTING

SCALE: 1/8" = 1'-0"
 0 4' 8' 16'

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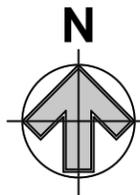
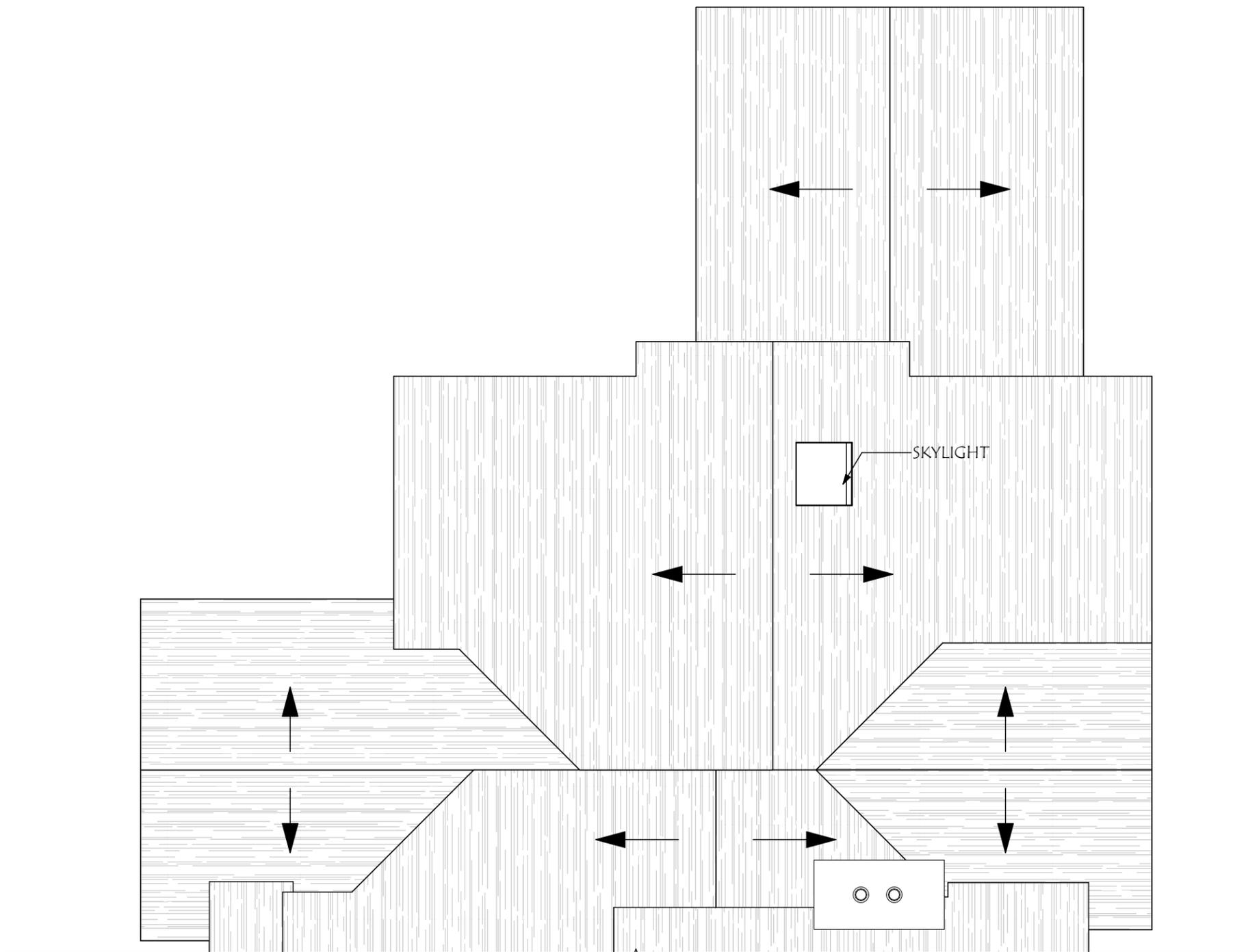
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ATTIC LEVEL
 PLAN

A2

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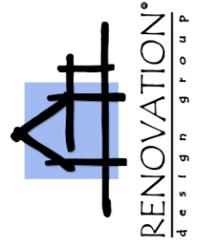
ROOF PLAN - EXISTING

SCALE: 1/8" = 1'-0"



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ROOF PLAN
- EXISTING

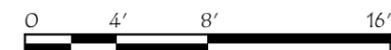
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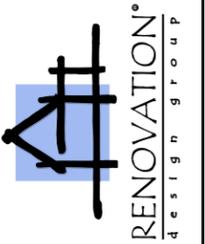
WEST ELEVATION - EXISTING

SCALE: 1/8" = 1'-0"



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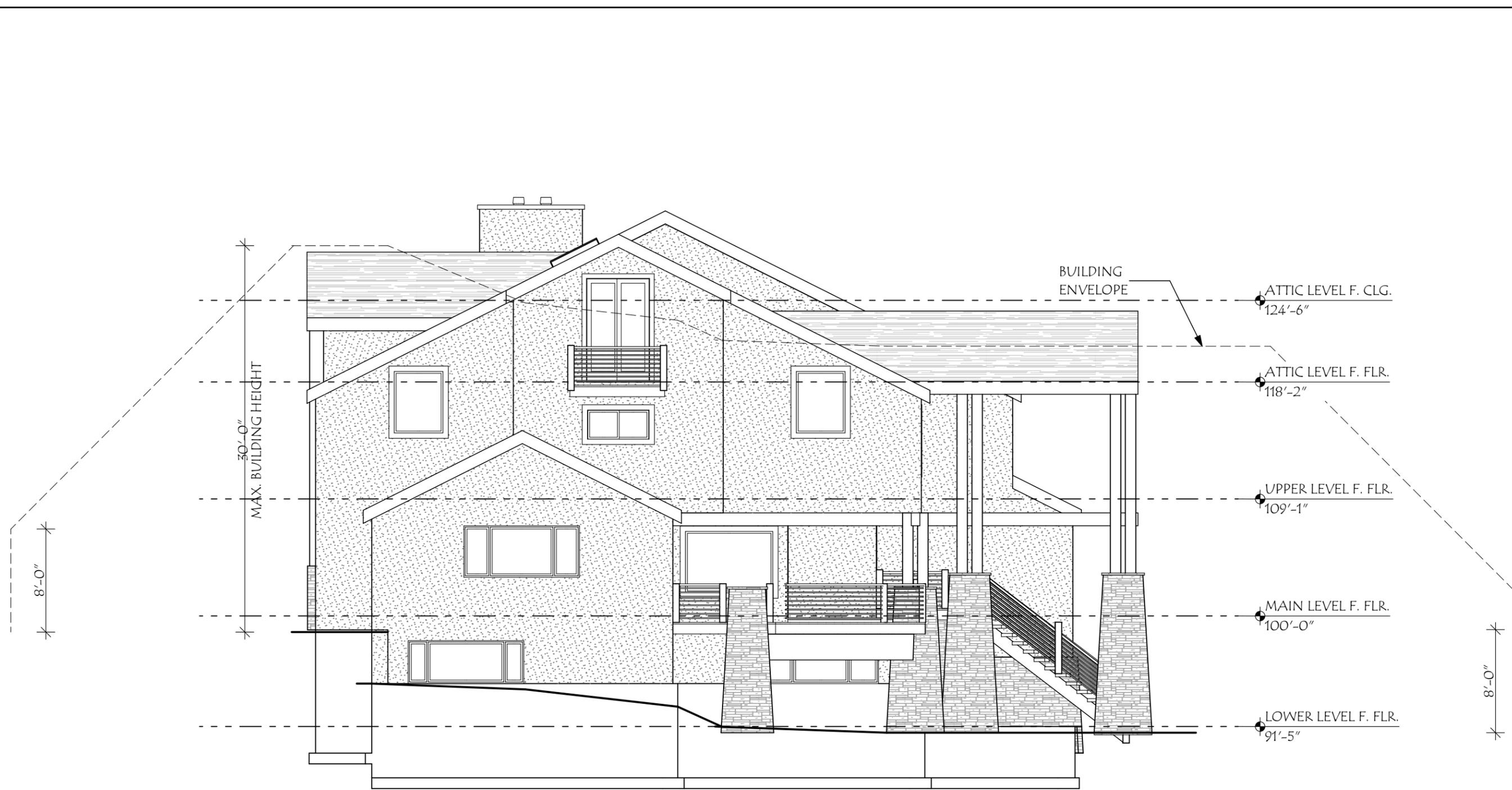
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WEST
ELEVATION
- EXISTING

A3

2/15/2024



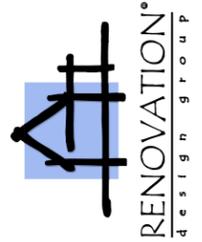
NORTH ELEVATION - EXISTING

SCALE: 1/8" = 1'-0"



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NORTH
ELEVATION
- EXISTING

A3

2/15/2024



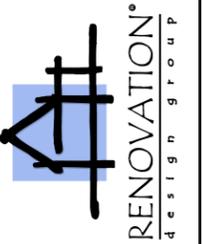
EAST ELEVATION - EXISTING

SCALE: 1/8" = 1'-0"



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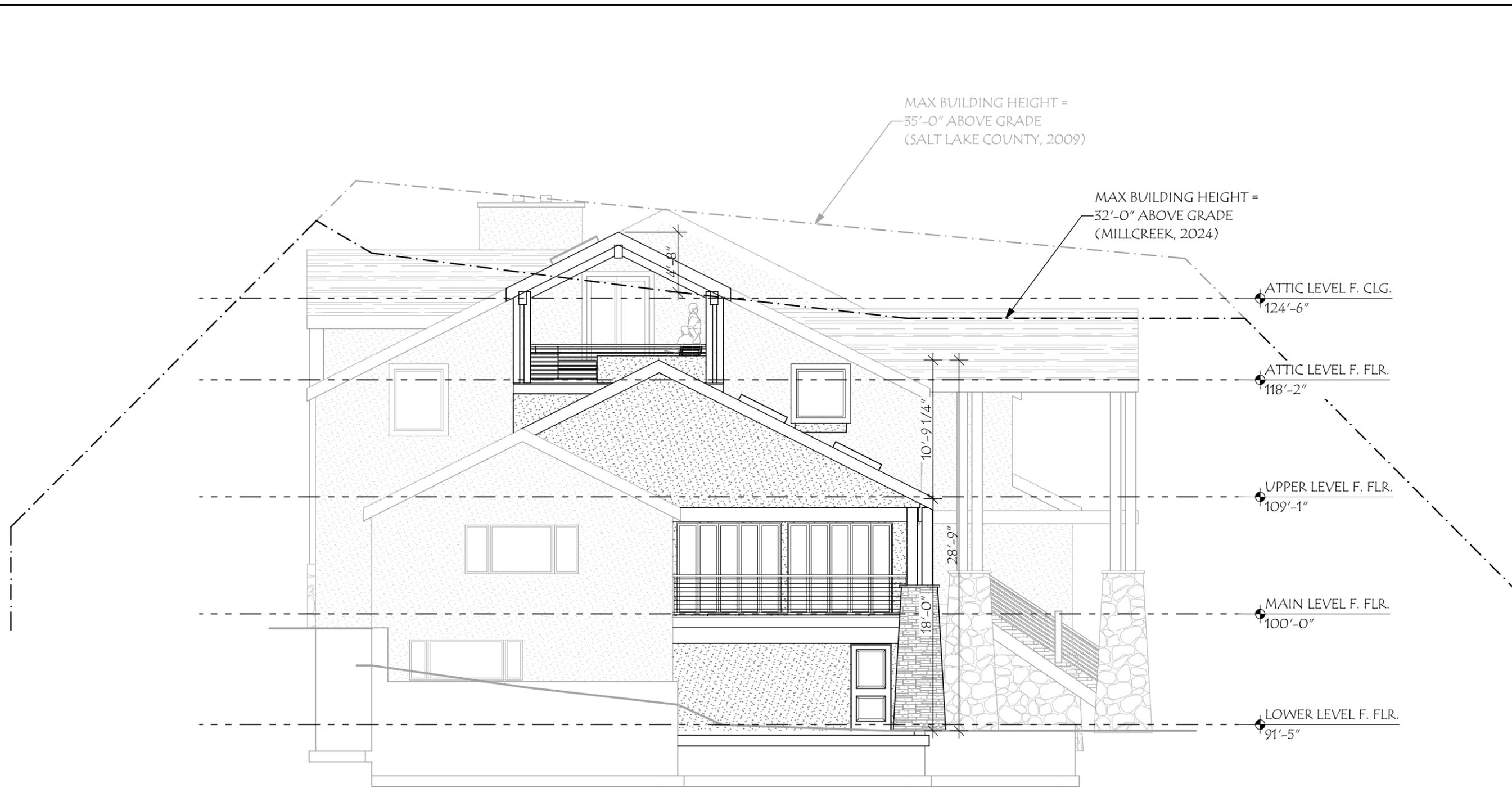
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EAST
ELEVATION
- EXISTING

A3

2/15/2024



MAX BUILDING HEIGHT =
35'-0" ABOVE GRADE
(SALT LAKE COUNTY, 2009)

MAX BUILDING HEIGHT =
32'-0" ABOVE GRADE
(MILLCREEK, 2024)

ATTIC LEVEL F. CLG.
124'-6"

ATTIC LEVEL F. FLR.
118'-2"

UPPER LEVEL F. FLR.
109'-1"

MAIN LEVEL F. FLR.
100'-0"

LOWER LEVEL F. FLR.
91'-5"

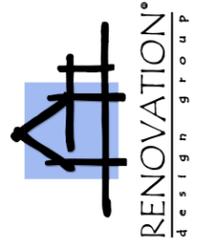
NORTH ELEVATION - PROPOSED

SCALE: 1/8" = 1'-0"



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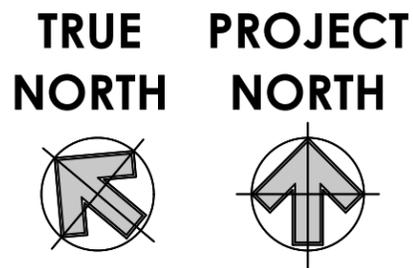
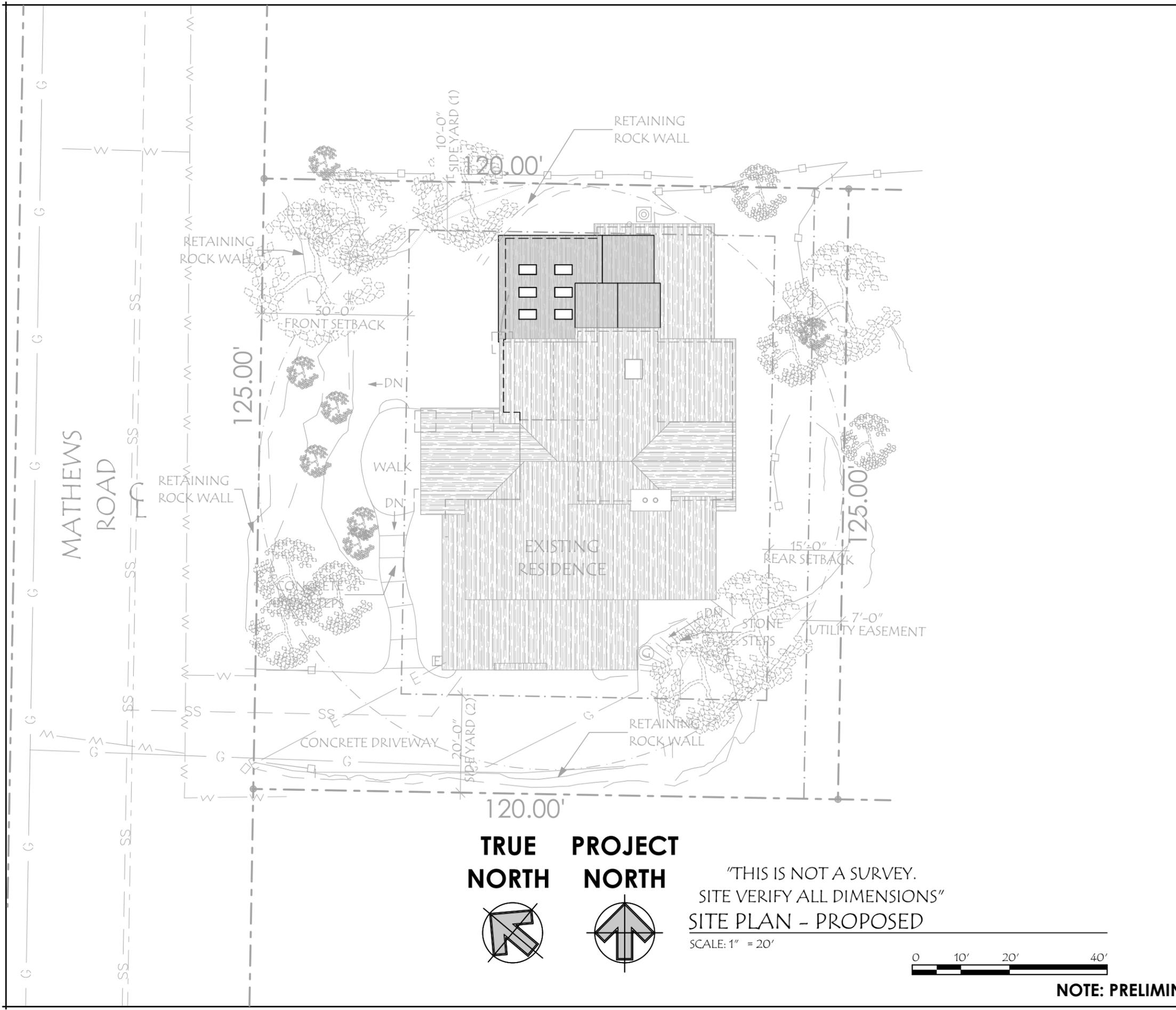
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PROJECT: O/F/I

NORTH
ELEVATION
SCHEMATIC

A3

10/30/2024



"THIS IS NOT A SURVEY.
 SITE VERIFY ALL DIMENSIONS"
SITE PLAN - PROPOSED
 SCALE: 1" = 20'



NOTE: PRELIMINARY - NOT FOR CONSTRUCTION

JORDAN & SCOTT EBBOTT	
4531 S. MATHEWS WAY SALT LAKE CITY, UT 84124	
LOT #1007, MT. OLYMPUS COVE SUB. (0.34 AC)	
PARCEL No. 22-01-404-002	
ZONING: MILLCREEK	
R-1-10 RCOZ	
FRONT YARD	30'-0"
SIDE YARD (1) RCOZ	10'-0"
SIDE YARD (2) RCOZ	20'-0"
REAR YARD	15'-0"
MAX. BLDG. HGT. RCOZ	32'-0"
ACTUAL/MAXIMUM BLDG. COVERAGE OF LOT RCOZ	28%/31%
SITE PLAN LEGEND	
	PROPERTY LINE
	BUILDING SETBACK
	FENCE
	WATER METER
	WATER LINE
	ELECTRICAL METER
	ELECTRICAL SERVICE LINE
	GAS METER
	NATURAL GAS LINE
	DIRECTION OF SLOPE
	A/C CONDENSER UNIT
	CENTER LINE OF STREET
	EXISTING CONSTRUCTION
	PROPOSED CONSTRUCTION
	FOUR FEET (4') SETBACK BUFFER
GENERAL NOTES	
1. THIS IS NOT A SURVEY, FIELD VERIFY ALL SITE CONDITIONS AND IMMEDIATELY NOTIFY THE ARCHITECT REGARDING ACTUAL CONDITIONS AT THE SITE WHICH ARE NOT PER THE DRAWINGS	
2. OWNER TO VERIFY PROPER LOCATION OF PROPERTY LINES AND MAIN BUILDING SET BACKS WITH BOUNDARY SURVEY	
3. CALL 811 BEFORE YOU DIG, IT'S FREE & IT'S THE LAW or 1-800-662-4111, DIRECT AT 801-208-2100 SALT LAKE METRO AREA	

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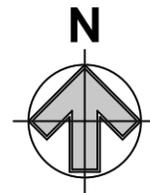
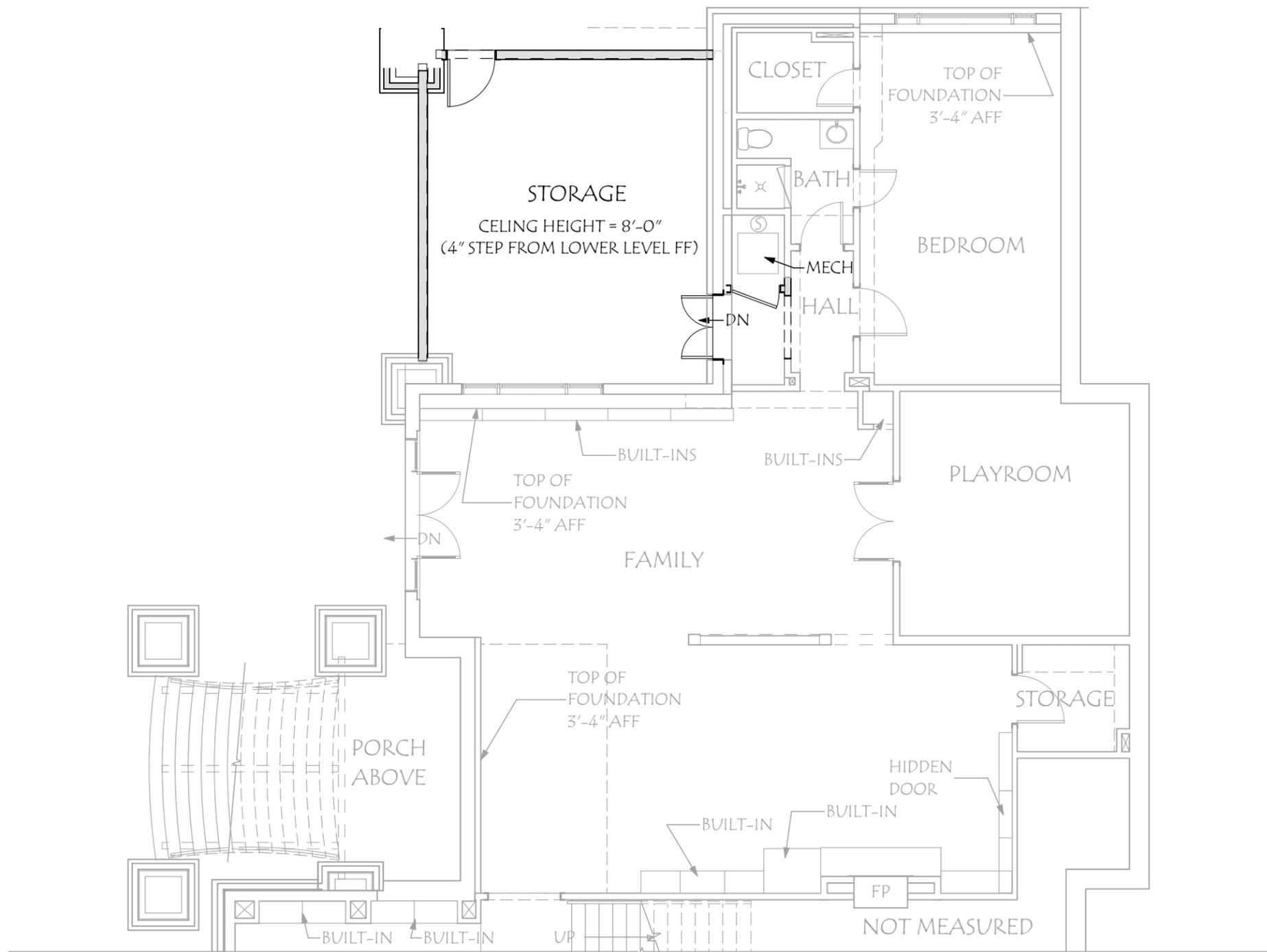
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SITE PLAN SCHEMATIC

A1

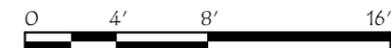
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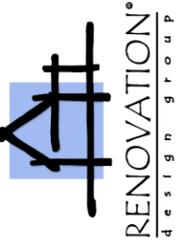
LOWER LEVEL PLAN - PROPOSED

SCALE: 1/8" = 1'-0"



NOTE: PRELIMINARY - NOT FOR CONSTRUCTION

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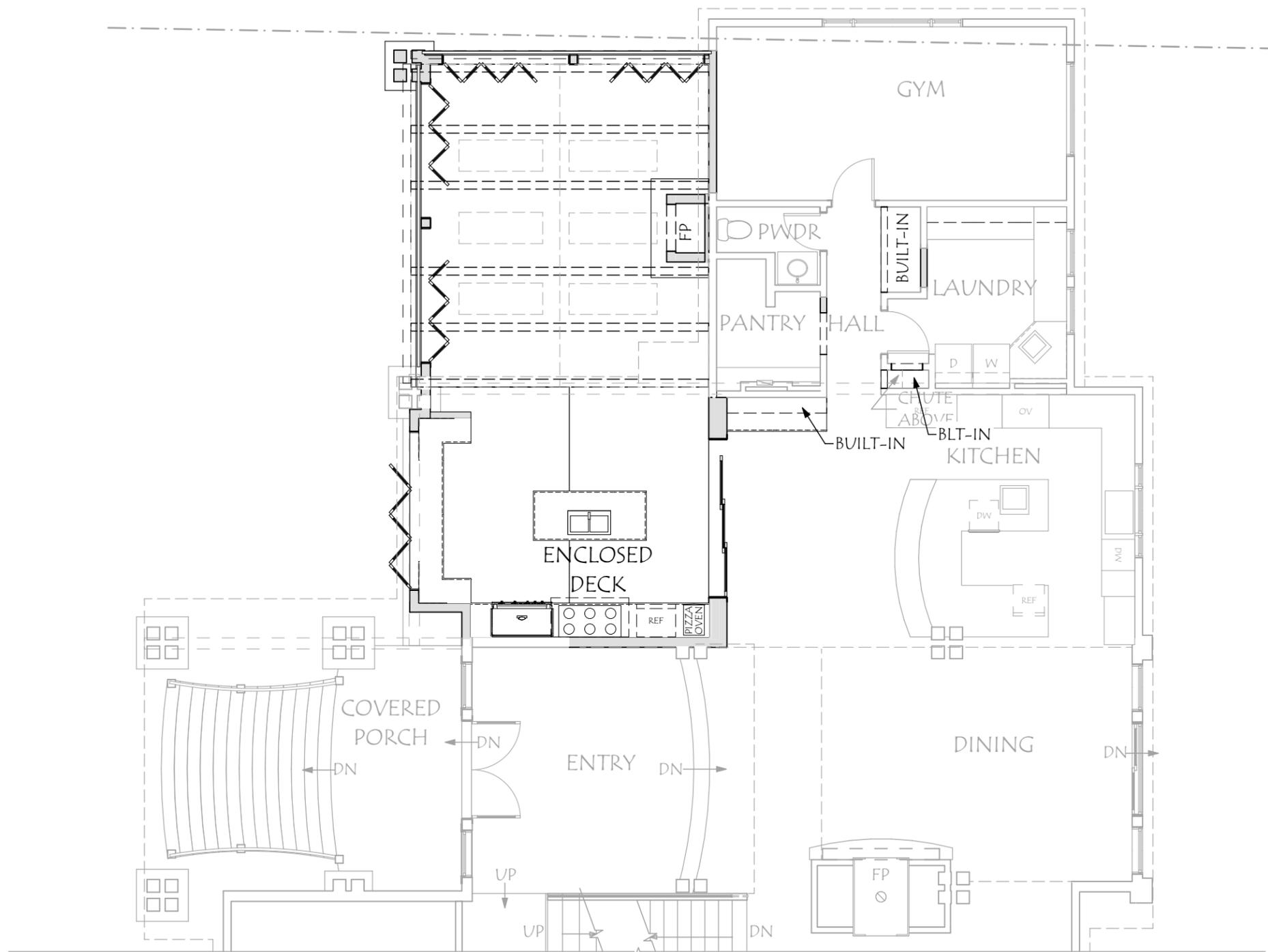
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LOWER
LEVEL
SCHEMATIC

A2

10/30/2024



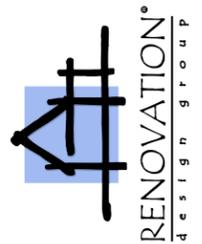
MAIN LEVEL PLAN - PROPOSED

SCALE: 1/8" = 1'-0"



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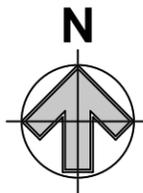
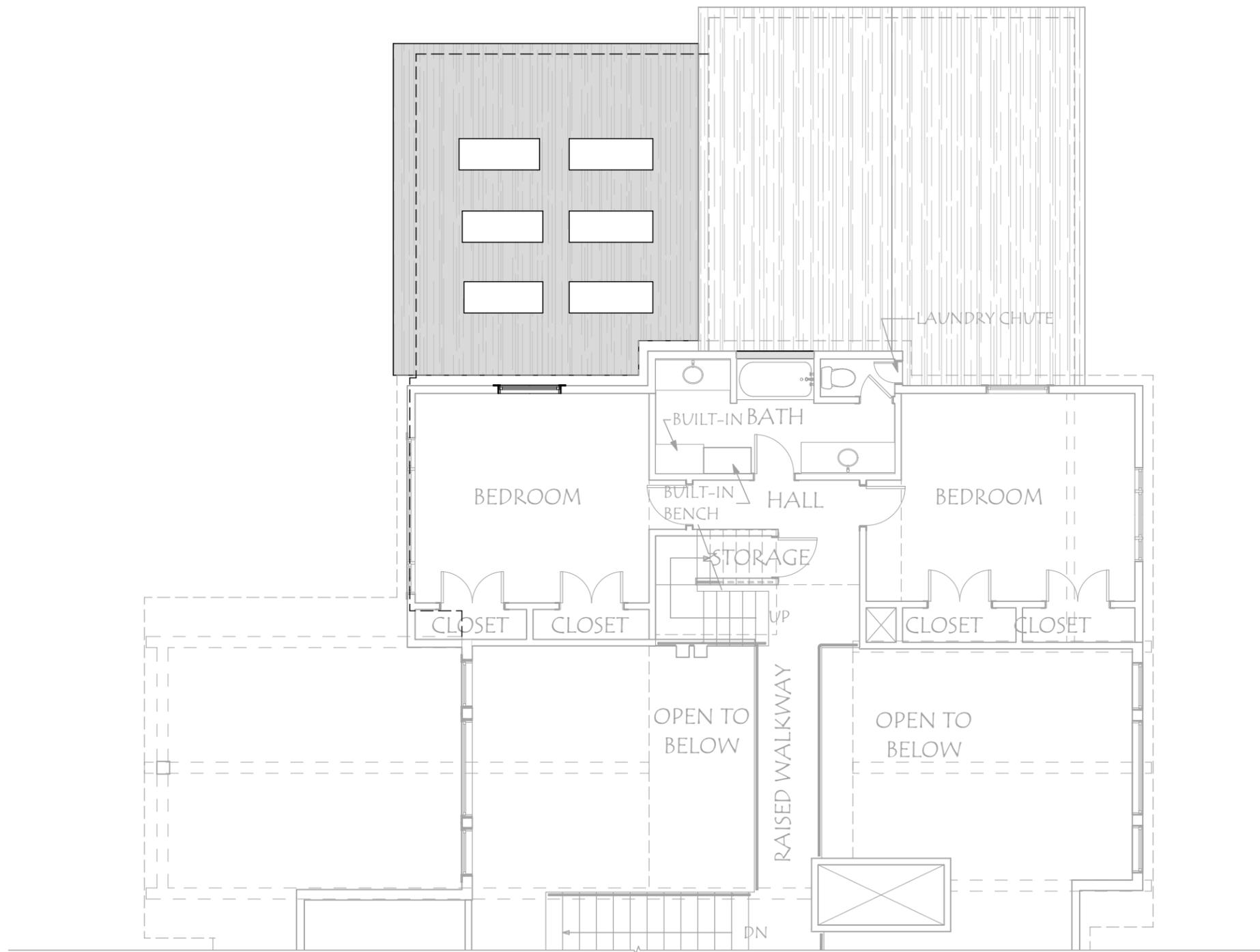
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MAIN LEVEL
SCHEMATIC

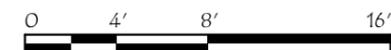
A2

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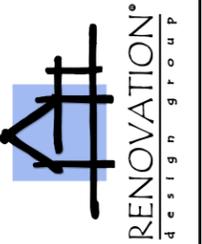
UPPER LEVEL PLAN - PROPOSED

SCALE: 1/8" = 1'-0"



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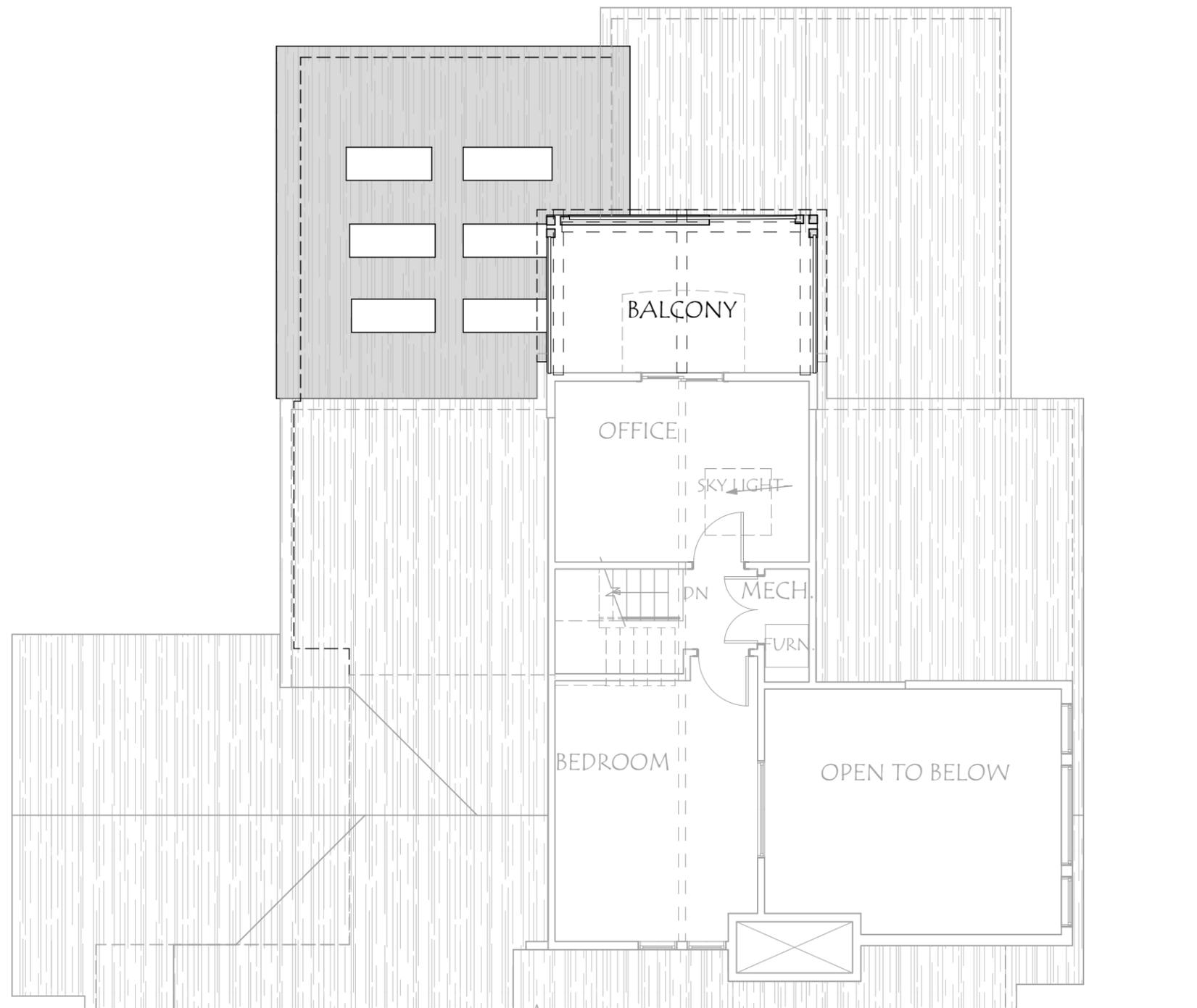
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UPPER
LEVEL
SCHEMATIC

A2

10/30/2024



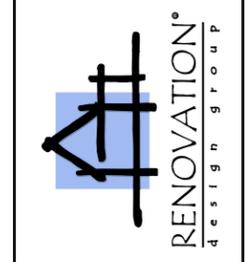
UPPER LEVEL PLAN - PROPOSED

SCALE: 1/8" = 1'-0"



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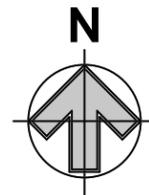
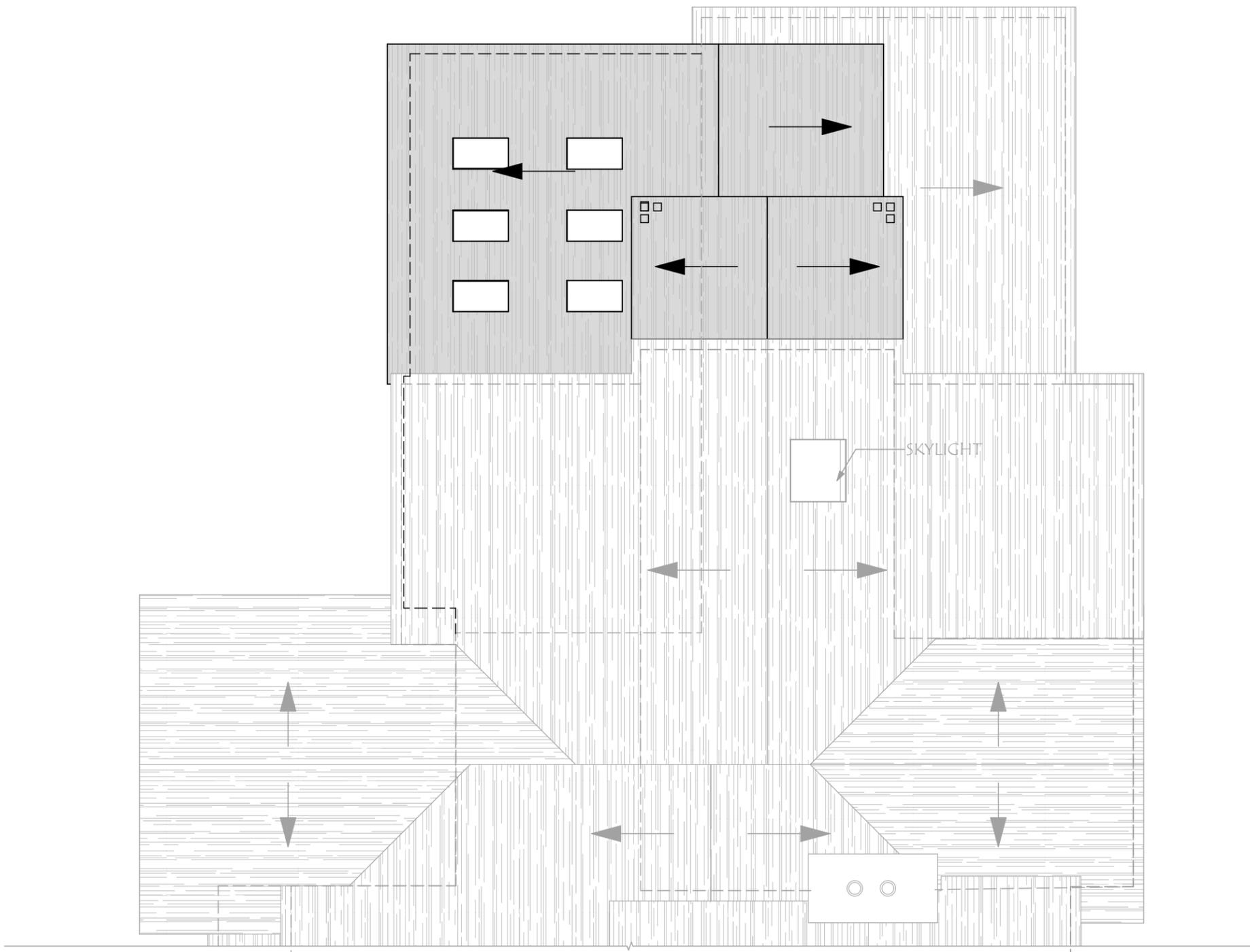
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ATTIC LEVEL
SCHEMATIC

A2

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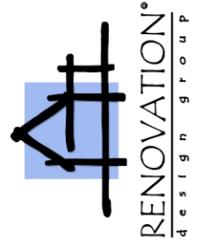


ROOF PLAN - PROPOSED
 SCALE: 1/8" = 1'-0"



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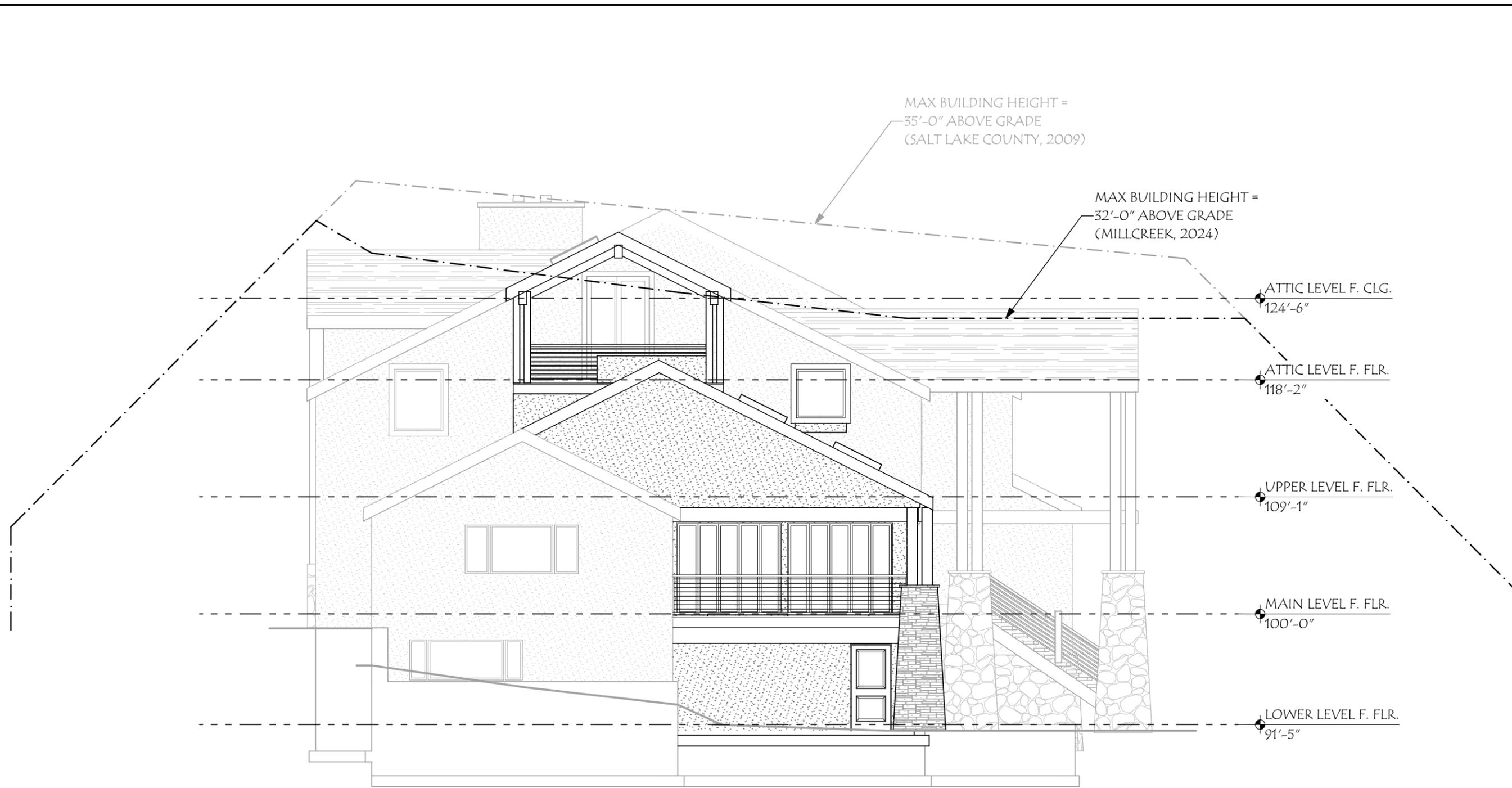
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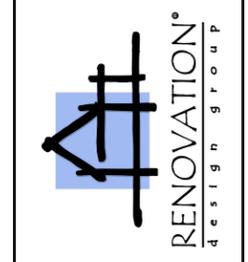
ROOF PLAN
 SCHEMATIC

A2

10/30/2024



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NORTH
ELEVATION
- BLDG HT

A3

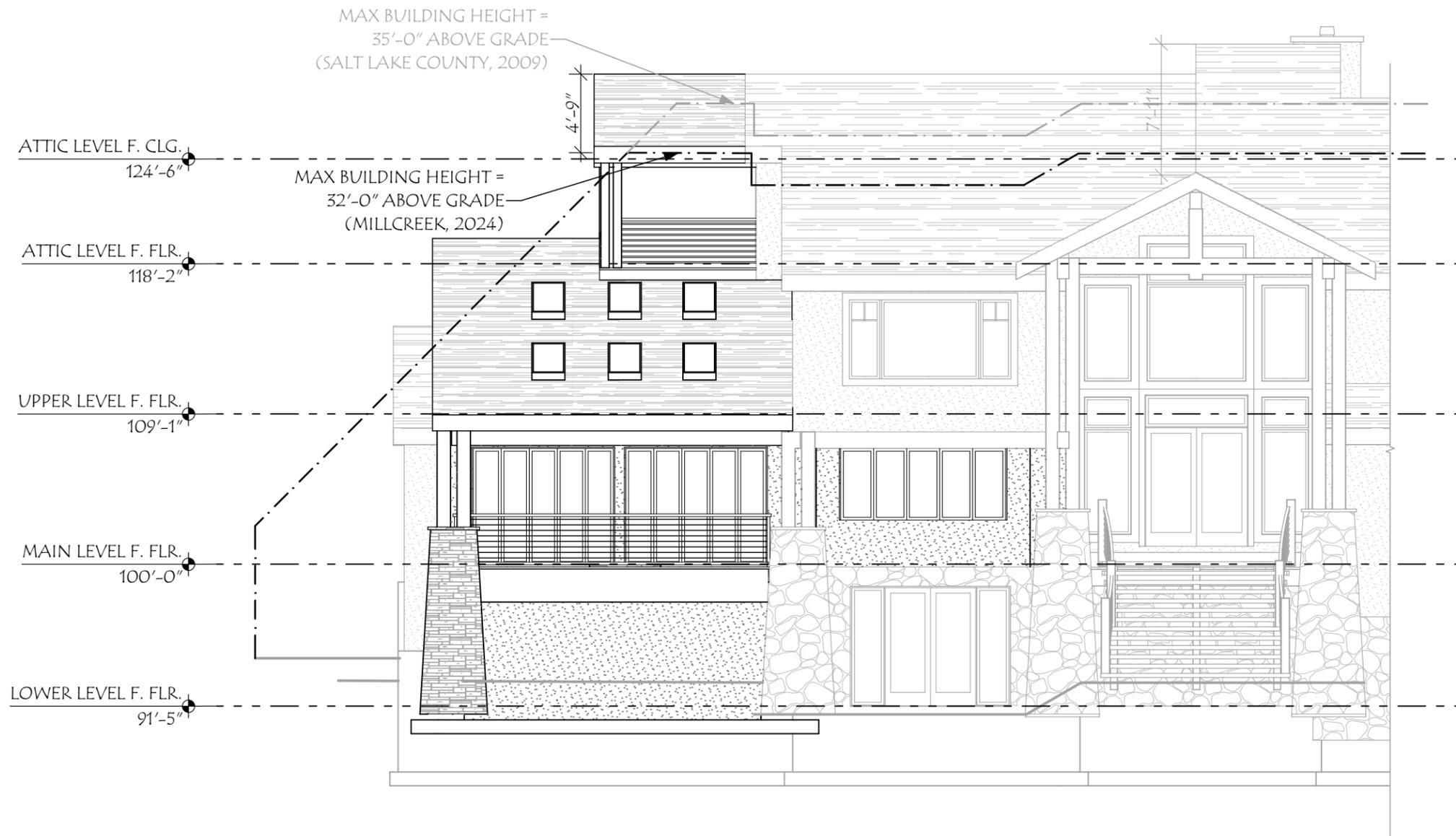
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NORTH ELEVATION - BUILDING HEIGHT REFERENCE

SCALE: 1/8" = 1'-0"

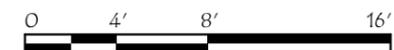


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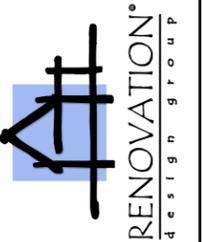
WEST ELEVATION - PROPOSED

SCALE: 1/8" = 1'-0"



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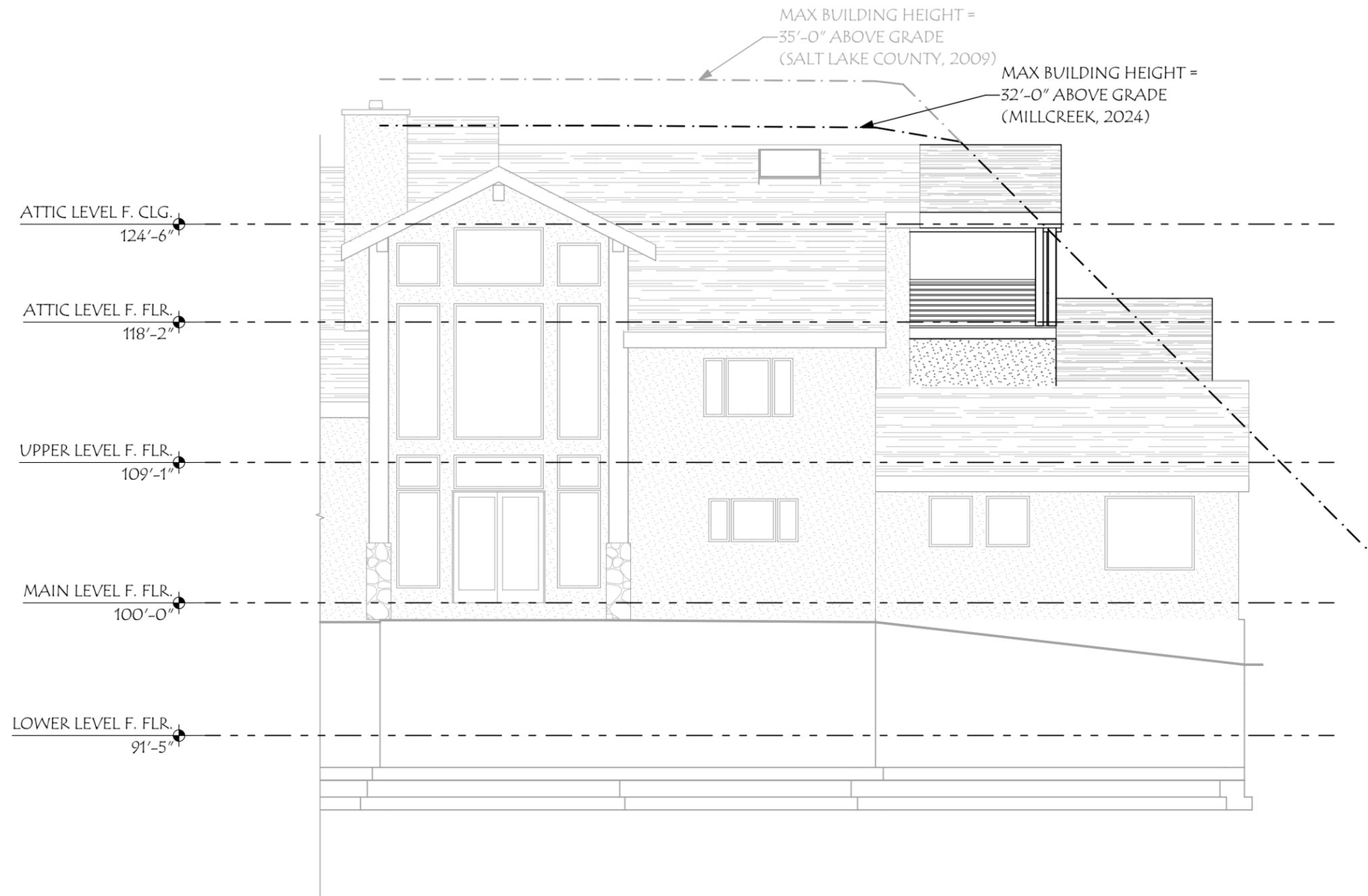
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WEST
ELEVATION
SCHEMATIC

A3

10/30/2024



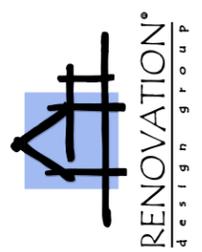
EAST ELEVATION - PROPOSED

SCALE: 1/8" = 1'-0"



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EAST
ELEVATION
SCHEMATIC

A3

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Figure B

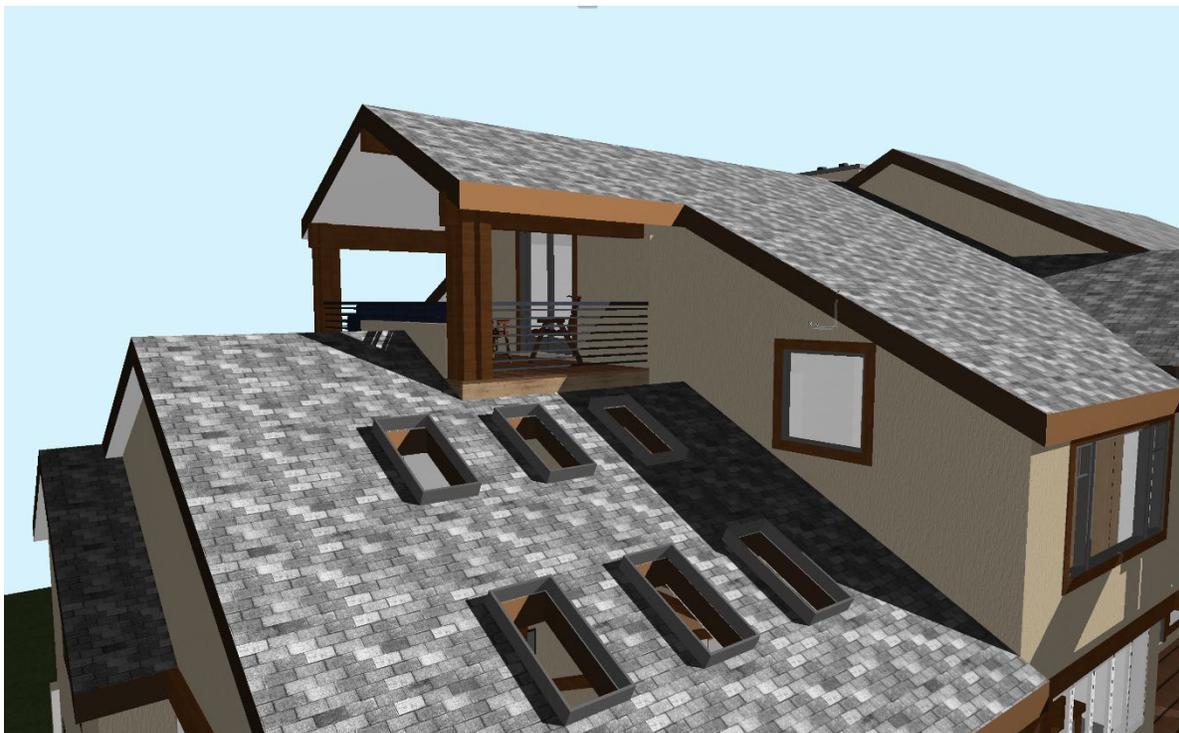


Figure A1

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Hearing\Ebbott Letter of Intent.docx



Figure B2

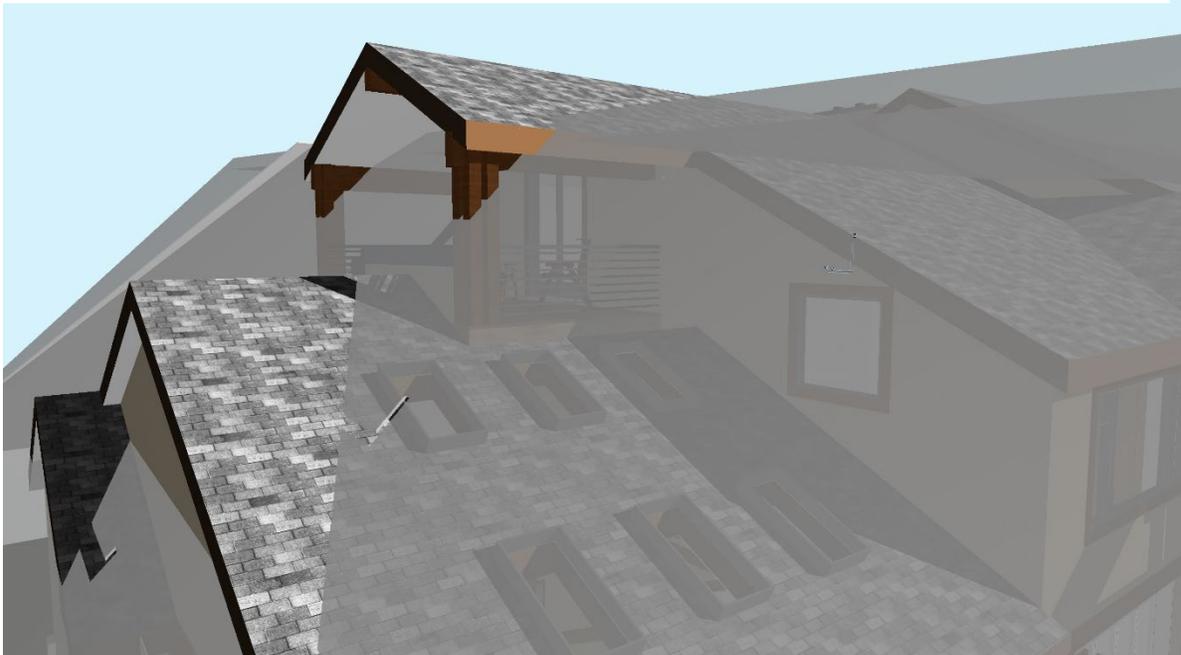


Figure B3

824 S 400 W, Ste. B123 ■ SALT LAKE CITY, UTAH ■ 84101 ■
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Figure D



Figure C

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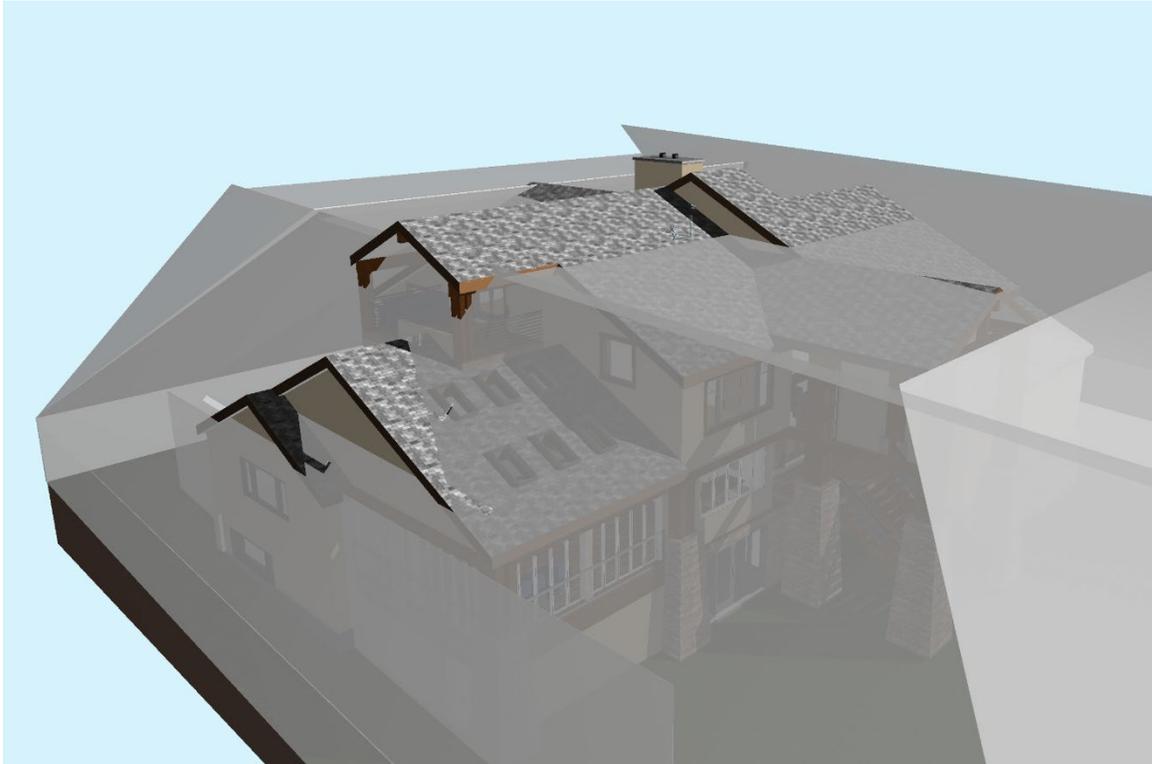


Figure E