



July 10, 2025

**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.

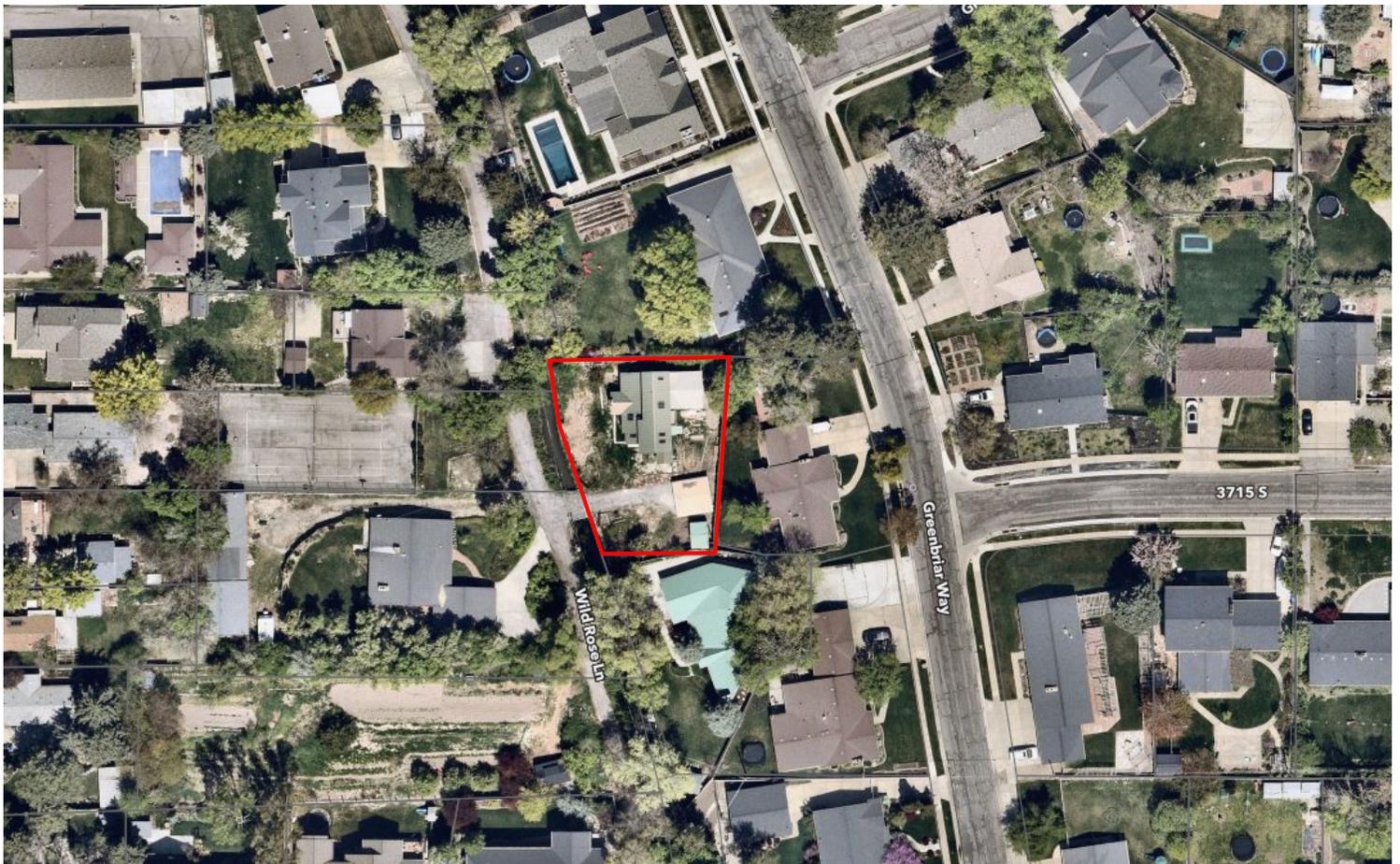


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## SUPPORTING DOCUMENTS

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





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 Proposed Site Plan  
A100 Scale: 1/16" = 1'-0" 

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

dates:

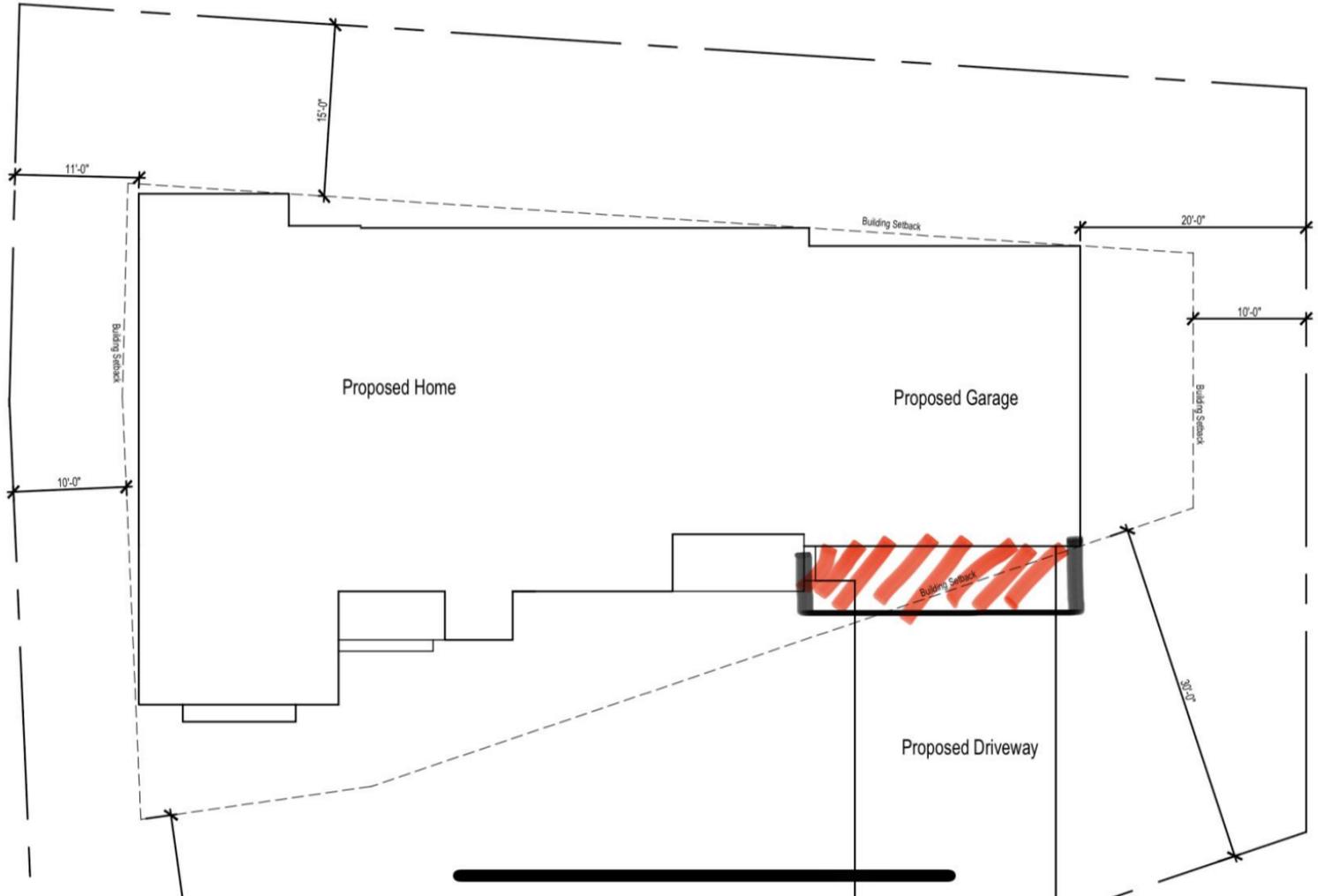
Schematic	11.20.24
Schematic	05.21.25

sheet title:

Proposed  
Site Plan

sheet number:

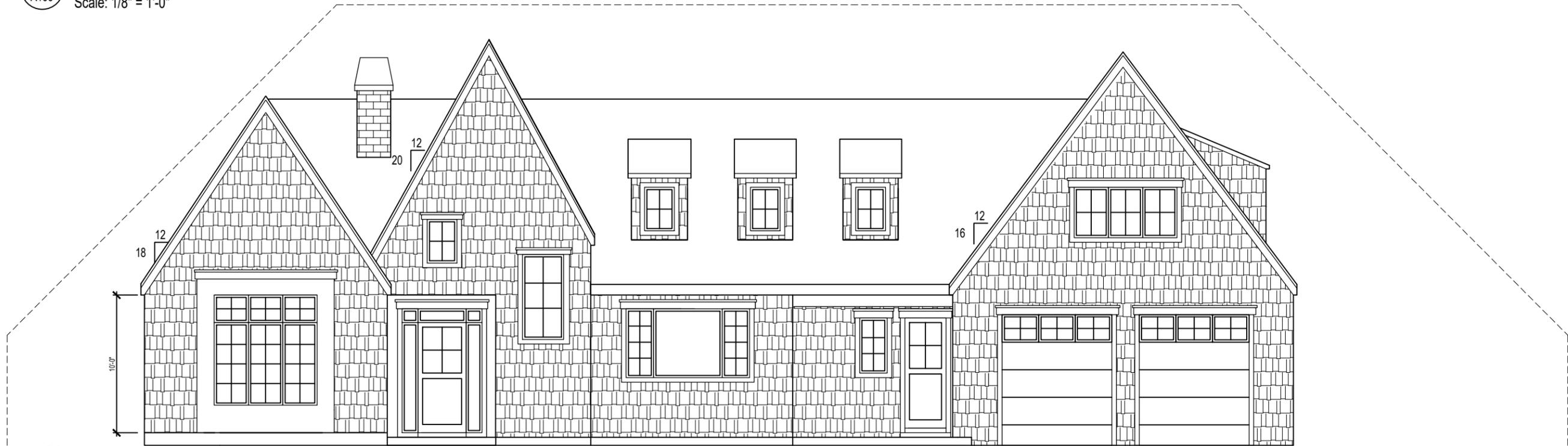
**A100**



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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