STAFF REPORT

To: Board of Adjustment
From: Sean Lewis, County Planner
Date of Meeting: February 27, 2020
Type of Item: Variance - Public Hearing, Possible Action
Process: Judicial Review

RECOMMENDATION: It is staff’s finding that the project meets the minimum standards for approval of a variance as found in the Snyderville Basin Development Code. Staff recommends that the Board of Adjustment review and approve the application according to the findings of fact and conclusions of law in this staff report.

Project Description:

Project Name: Metcalf Variance
Applicant(s): William Mammen
Property Owner(s): Peter & Kathleen Metcalf
Location: 4829 Old Meadow Lane (N 300 West)
Zone District: Rural Residential (RR)
Parcel Number and Size: PP-87-13-B, 2.20 Acres
Type of Process: Variance
Final Land Use Authority: Board of Adjustment

Proposal:

The applicant requests that the Board of Adjustment grant a variance from Snyderville Basin Development Code Section 10-2-4.E, that establishes a 40-foot setback from wetlands for all structures in the Rural Residential (RR) zone. The applicant has submitted an approved delineation from the Army Corps of Engineers which defines the wetland area. The combination of wetland and traditional front and side property line setbacks creates an oddly shaped building area that restricts the ability of the applicant to build a single-family home, which is a substantial property right.

The applicant proposes to build a single-family home as close as 12.5’ of the delineated wetland boundary. The Board of Adjustment has final decision authority for variances.
Background:

The applicant is the owner of a Lot of Record located at 4829 Old Meadow Lane (N 300 W).

- The lot is approximately 210’x 450’, 2.20 acres in size.
- The property is almost entirely covered by wetlands.
- Snyderville Basin Development Code Section 10-2-4.E.4 requires a minimum setback of 40 feet from any wetland.
- The applicant proposes to build a house with an approximate footprint of 5,000+ square feet. The house is proposed to be located in non-wetland areas.
- The applicant proposes to build a single-family home as close as 12.5’ of the delineated wetland boundary.

The applicant’s property is a rectangular lot that is essentially flat. The lot is surrounded by lots with a similar size, shape and slope.
Analysis and Findings

The standards required for granting a variance are set forth in Utah Code 10-9a-702 and the Snyderville Basin Development Code Section 10-3-6, which standards are provided below. If the Board of Adjustment finds that the standards are met, then a variance to reduce the required setback may be granted.

**Standard 1:** Literal enforcement of the Zoning Ordinance would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the land use ordinance. **COMPLIES**

**Analysis:** Analysis provided by the applicant shows that once all required setbacks are applied, there is approximately 14,849 square feet (0.34 acres) of available building space on a parcel that is 2+ acres in size.

It is staff’s finding that the limitations caused by the wetlands on the property combined with the setback requirements in the Zoning Ordinance create a building area that is oddly shaped. The shape of the reduced building area creates a hardship that is peculiar to the property and not from a condition that is general to the neighborhood.

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

**Analysis:** Adjacent lots have homes that are of similar size and located to what is proposed. The location and size of wetlands within the lot creates a special circumstance that does not apply to other lots in the Rural Residential Zone.

Staff finds that this circumstance attached to the property are not general to other properties in the zone.

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

**Analysis:** A single family home is an allowed use in the Rural Residential zoning district. Parcel PP-87-13-B is a Lot of Record and therefore has a vested right to build a single-family dwelling.

**Standard 4:** The variance will not substantially affect the general plan or be contrary to the public interest. **COMPLIES**

**Analysis:** Parcel PP-87-13-B is located in the Old Ranch Road neighborhood planning area. The Snyderville Basin General Plan indicates that development in this area “should be compatible with the existing large lot single family detached dwellings and
equestrian uses which would be consistent with the open, rural character of the area.” The proposed structure is consistent with surrounding development patterns in the neighborhood.

**Standard 5:** The spirit of the Zoning Ordinance is observed and substantial justice done?

**COMPLIES**

**Analysis:** Granting of a variance will allow a landowner to exercise their right to build a single-family dwelling as other owners within the area have done previously.

**Recommendation**

It is staff’s finding that the project meets the minimum standards for approval of a variance in the Snyderville Basin Development Code. Staff recommends that the Board of Adjustment review and approve the application according to the following findings of fact and conclusions of law.

**Findings of Fact:**

1. Summit County assessment parcel PP-87-13-B is owned by Peter & Kathleen Metcalf.
2. Parcel PP-87-13-B is not within a platted subdivision, but is a Lot of Record.
3. Parcel PP-87-13-B is in the Rural Residential (RR) zone.
4. The lot is approximately 210’x 450’, 2.20 acres in size. The property has access from Old Meadow Lane.
5. Much of the lot is covered in jurisdictional wetlands delineated by the Army Corps of Engineers.
7. The applicant proposes to build a house with an approximate footprint of 5,000+ square feet. The house will be located in non-wetland areas.
8. The applicant proposes to build a single-family home as close as 12.5’ of the delineated wetland boundary.
9. The lot is surrounded by lots with a similar size, shape and slope.

**Conclusions of Law:**

1. Literal enforcement of the Rural Residential (RR) Zoning District requirements for this property causes an unreasonable hardship that is not necessary to carry out the general purpose of the zoning ordinance.
2. The location and size of wetlands create a special circumstance attached to the property that does not generally apply to other properties in the same district.
3. Granting the variance is essential to the enjoyment of the substantial property right of construction of a single-family home.
4. The proposal is consistent with the General Plan allowing for single family homes to be built in appropriate locations.
5. The spirit of the zoning ordinance is observed by this application.

**Public Notice, Meetings and Comments**

This item was publicly noticed as a public hearing with possible action by the Board of Adjustment. Notice of the public hearing was published in the February 15, 2020 issue of *The Park Record*. Courtesy postcards were mailed to all property owners within 1,000 feet of the subject Parcel.

**Attachments**

- Exhibit A – Proposed Site Plan
- Exhibit B – Site Plan with Building Area Highlighted