



STAFF REPORT

To: Summit County Board of Adjustment (BOA)
Report Date: Wednesday, December 12, 2012
Meeting Date: Thursday, December 20, 2012
Author: Kimber Gabryszak, AICP
Project Name & Type: Wray Variance, deck
Type of Item: Lake Variance Request

EXECUTIVE SUMMARY:

The applicant, Willie Erschenfelder on behalf of the property owners, is requesting approval of an approximately fifty seven foot (57') variance to the required 100' lake setback. If approved, the variance would permit the applicant to construct a deck on a home approximately forty-three feet (43') from the lake high water mark.

As the 100' lake setback encompasses nearly the entire parcel, construction of any structure under current setback requirements would not be possible. There is an existing home on the lot that was constructed prior to the establishment of the setback, and the proposed deck will be farther from the lake than the existing home. In order to construct the deck, the applicants must obtain a variance for the deck.

Staff recommends that the BOA conduct a public hearing and discuss the application. Staff further recommends that the BOA vote to approve the variance request with the findings and conditions in Section E of this report.

A. Project Description

- **Project Name:** Wray Variance
- **Applicant(s):** Willie Erschenfelder
- **Property Owner(s):** Lisa Wray
- **Location:** 4865 Silver Springs Drive
- **Zone District & Setbacks:** Rural Residential (RR) Zone
Front: 15, Side: 10, Rear: 15; Lake: 100'
- **Adjacent Land Uses:** Residential
- **Existing Uses:** Residential
- **Parcel Number and Size:** SOS-A-1, 0.19 acres
- **Lot of Record Status:** Yes

B. Community Review

This item has been noticed as a public hearing in the Park Record, and all property owners within 1000' feet were sent a postcard. As of the date of this report, no public comment has been received.

C. **Background**

The South Shore subdivision was platted in 1991. As part of the development, a manmade lake was constructed. As there was no lake setback requirement in the Snyderville Basin Development Code (Code) at the time, most homes were constructed in close proximity to the lake.

Since that time, the Code was amended to require a 100' setback from streams, lakes, and reservoirs.

D. **Findings/ Code Criteria and Discussion**

Section 10-3-6(B) of the Snyderville Basin Development Code outlines the criteria for a variance. Staff has found that the variance request meets all five (5) criteria:

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.
Without a variance to the lake setback, the property owner would not be able to place any structure, including a deck, on the lot.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.
The 100' lake setback was implemented after the applicant's lot was platted and after the home was constructed, and while there are several other lots in the immediate vicinity that are in a similar circumstance, this circumstance does not apply generally to other properties in the HS zone nor to other properties in the Silver Springs area.
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.
The majority of homes in the area have decks.
4. The variance will not substantially affect general plan [sic] and will not be contrary to the public interest.
Staff does not believe that the variance would substantially affect the general plan nor be contrary to the public interest.
5. The spirit of the provisions of the land use ordinance is observed and substantial justice done.
The deck will not be placed closer to the lake than the existing structure, therefore the spirit of the provisions is observed and substantial justice done.

E. **Recommendation(s)/Alternatives**

Staff recommends that the BOA hold a public hearing and review the application. Staff further recommends that the BOA vote to **approve** a 57' lake setback variance for a deck, with the findings and conditions below:

Findings:

1. The variance request complies with the criteria in Section 10-3-6(B) of the Snyderville Basin Development Code, as outlined in Section D of this report. Specifically:
 - a. 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.
 - b. There are special circumstances attached to the property that do not generally apply to other properties in the same district.
 - c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.
 - d. The variance will not substantially affect general plan [sic] and will not be contrary to the public interest.
 - e. The spirit of the provisions of the land use ordinance is observed and substantial justice done.

Conditions:

1. The variance shall be of the scope and distance as stated by the BOA.
2. The variance shall only be approved for the metes and bounds legal description of any approved deck.
3. The applicant shall submit a certificate of survey at the foundation inspection to verify that the deck is located according to the metes and bounds description as approved by the BOA.
4. Any other conditions as expressed by the BOA.

Alternatives:

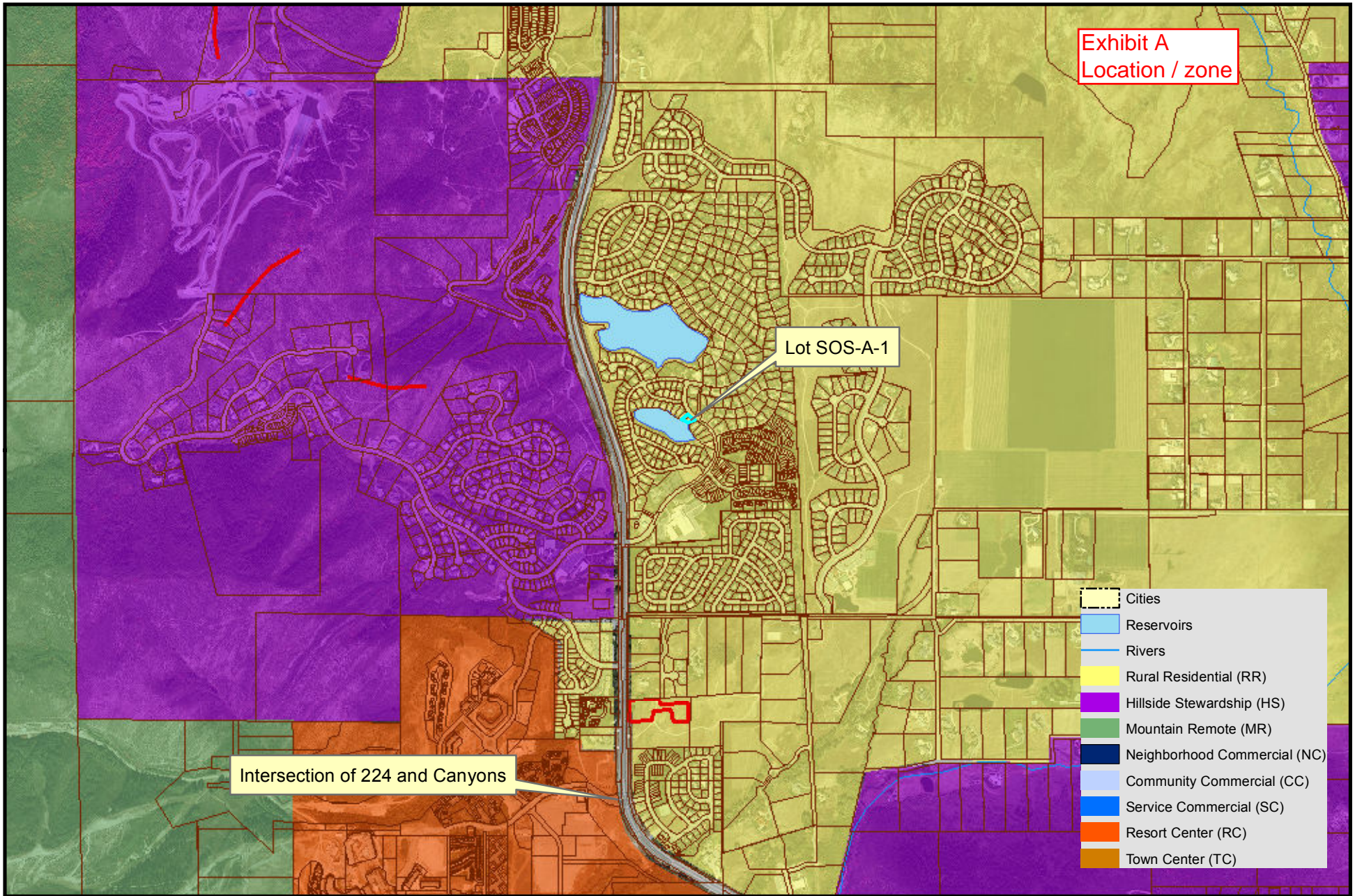
The BOA may alternatively choose to **continue** the variance to another date with specific direction to the applicant and Staff on information needed to render a decision.

They may alternatively choose to **deny** the variance with the findings that the application does not meet the Code criteria, as articulated by the BOA.

Attachment(s)

- Exhibit A – Vicinity and Zoning Map (page 4)
- Exhibit B – Aerials (pages 5-6)
- Exhibit C – Site Plan & Proximity to Lake (page 7)
- Exhibit D – Applicant Justification (page 8)
- Exhibit E – Applicant photos (pages 9-10)

Exhibit A
Location / zone



Lot SOS-A-1

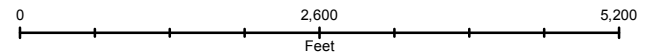
Intersection of 224 and Canyons

- Cities
- Reservoirs
- Rivers
- Rural Residential (RR)
- Hillside Stewardship (HS)
- Mountain Remote (MR)
- Neighborhood Commercial (NC)
- Community Commercial (CC)
- Service Commercial (SC)
- Resort Center (RC)
- Town Center (TC)



Summit County, Utah Vicinity Map

Prepared by Summit County
Community Development Department



This drawing is neither a legally recorded map, nor a survey, and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources including Summit County. Summit County is not responsible for the timeliness or accuracy of information shown.

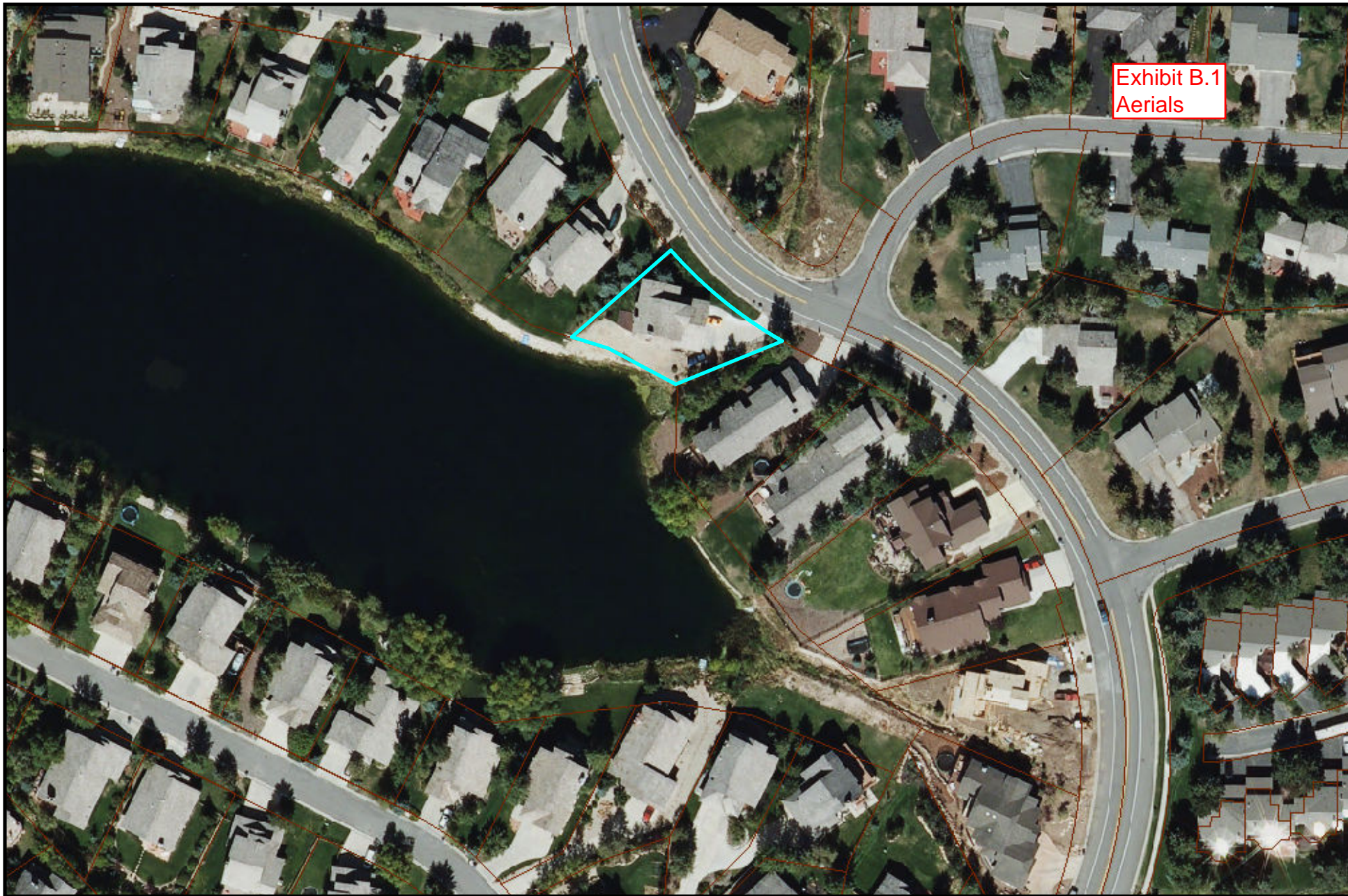




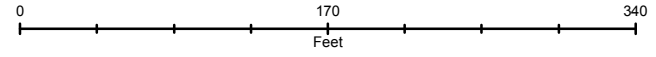
Exhibit B.1
Aerials



Summit County, Utah Vicinity Map

Prepared by Summit County
Community Development Department

-  Cities
-  Rivers



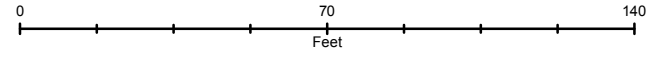
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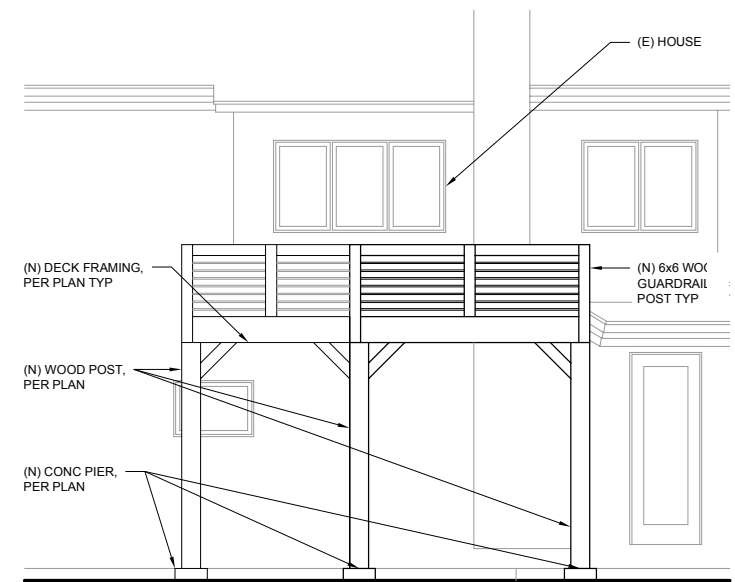
Summit County, Utah Vicinity Map

Prepared by Summit County
Community Development Department

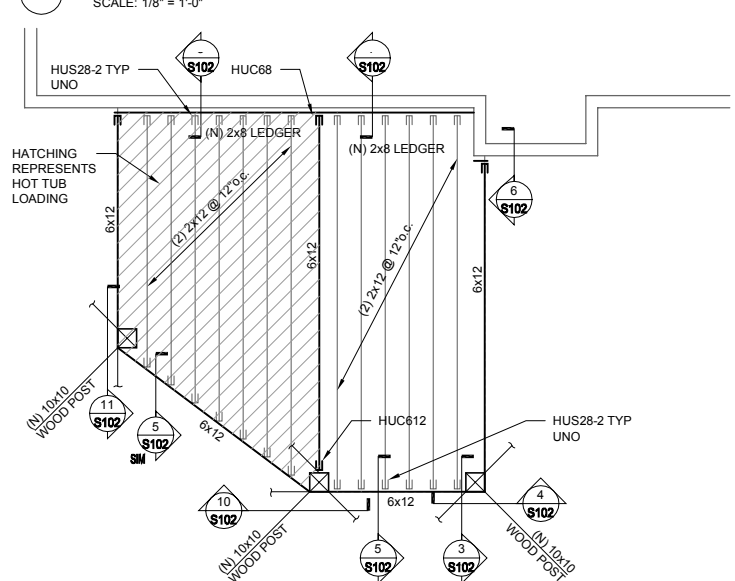
-  Cities
-  Rivers



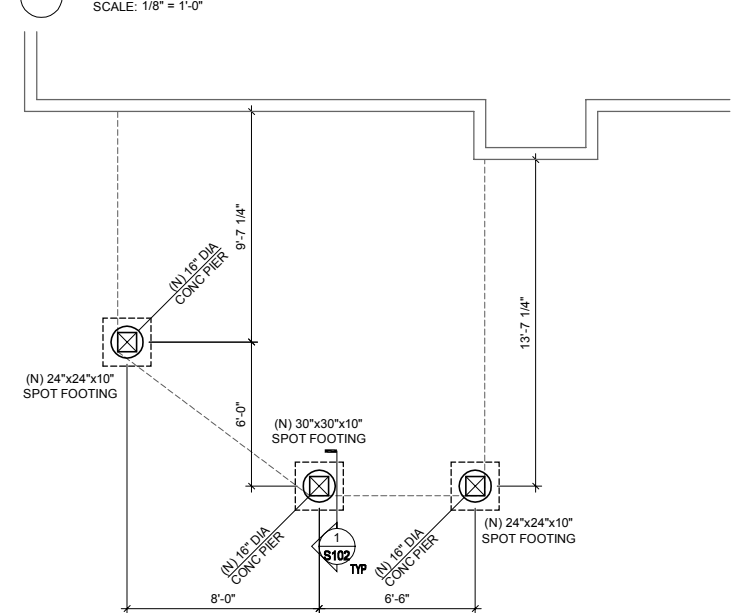
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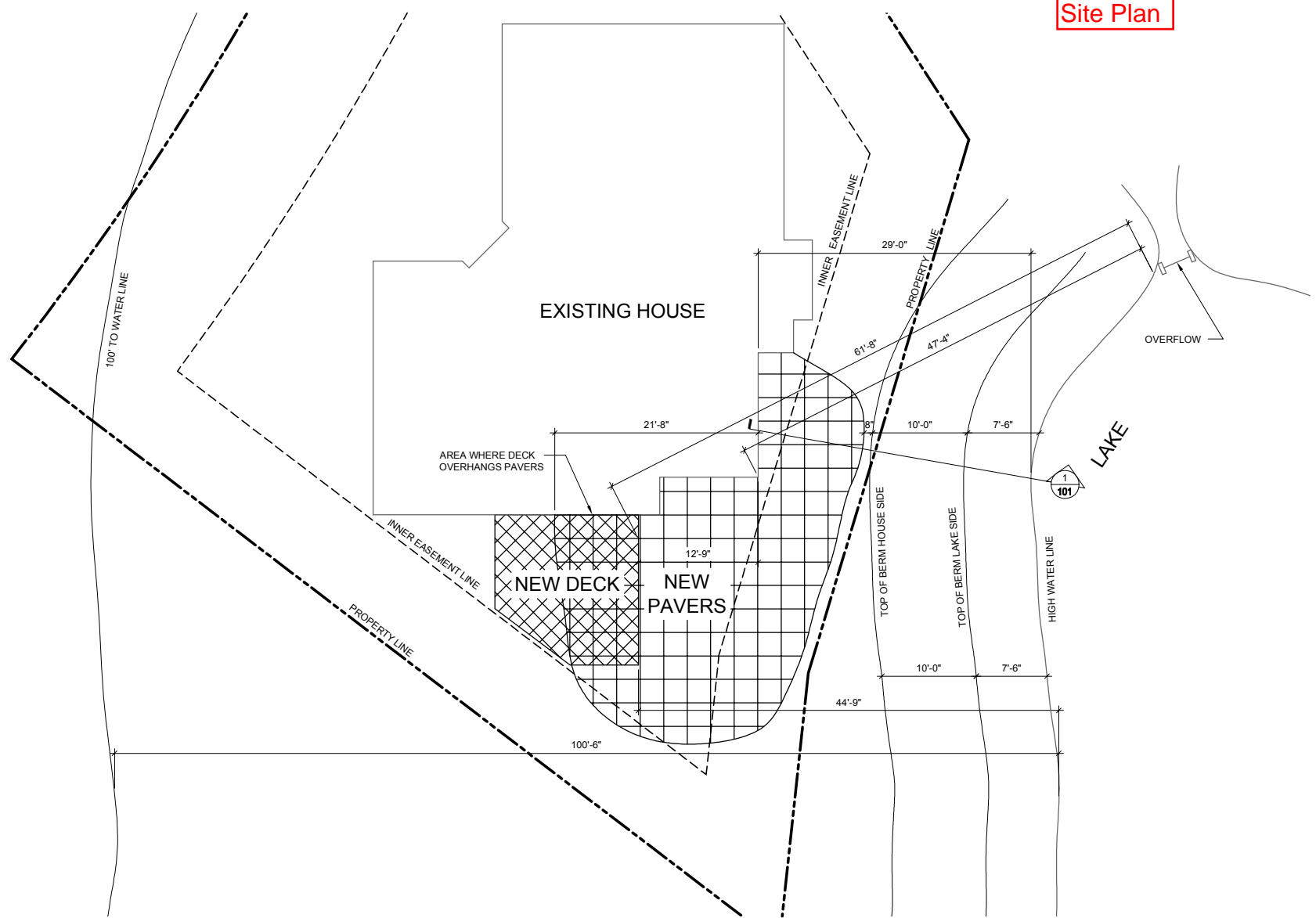
ELEVATION
SCALE: 1/8" = 1'-0"



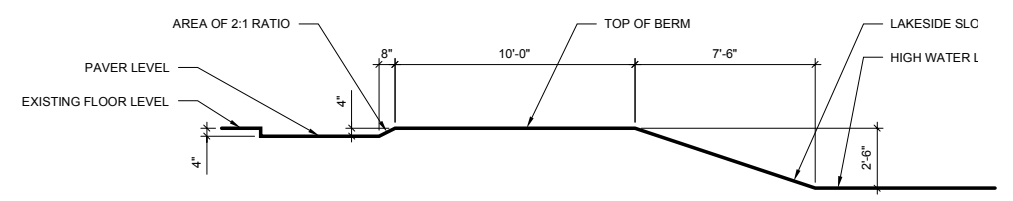
FRAMING PLAN
SCALE: 1/8" = 1'-0"



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



SITE PLAN
SCALE: 1/16" = 1'-0"



SECTION VIEW OF NEW PAVERS
SCALE: 1/8" = 1'-0"

PLAN NOTES	
1.	FIELD VERIFY ALL DIMENSIONS W/ EXISTING CONSTRUCTION PRIOR TO START OF CONSTRUCTION. NOTIFY ENGINEER OF ANY DISCREPANCIES.
2.	FIELD VERIFY NEW DECK BEARING ELEVATIONS.
3.	SEE DETAIL 2/101 FOR BUILT-UP MEMBER NAILING/BOLTING.
SYMBOL LEGEND	
	DETAIL MARK SHEET NUMBER
	INDICATES CONCRETE PIER
	INDICATES WOOD POST COLUMN
	INDICATES LINE OF DECK ABOVE
	BEARING WALL BELOW
	INDICATES KICKER BRACE

OWNER INFORMATION
WRAY RESIDENCE
4865 SILVER SPRINGS DR.
PARK CITY, UT 84068

PROJECT DESCRIPTION
NEW DECK
4865 SILVER SPRINGS DR.
PARK CITY, UT 84068

SHEET NAME:
FOOTING &
FOUNDATION PLAN,
FRAMING PLAN,
ELEVATION & DETAILS

REVISIONS
DATE DESCRIPTION

ISSUE DATA
PROJECT NUMBER: 12050
ISSUE DATE: 11/19/2012
DRAWN BY: M.WILLIAMS
CHECKED BY: J. CRILLY

SHEET NUMBER:

CONSTRUCTION SET

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.

- The home is already within 100 ft proximity of the lake. The deck we would like to install goes to the west and is not closer to the lake than the house. The residential real estate on the lake is more expensive than other real estate in the area. Most of the other homes on the lake have decks that allow them to use their outdoor space more effectively. Our inability to do this deck would negatively affect our property value.

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

- All other homes in the area would be allowed to build decks as long as they fit within required setbacks. This deck stays well within setbacks but because of the lake we have to meet special requirements. The house is already built very close to the lake and this deck will not be closer than the home.

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

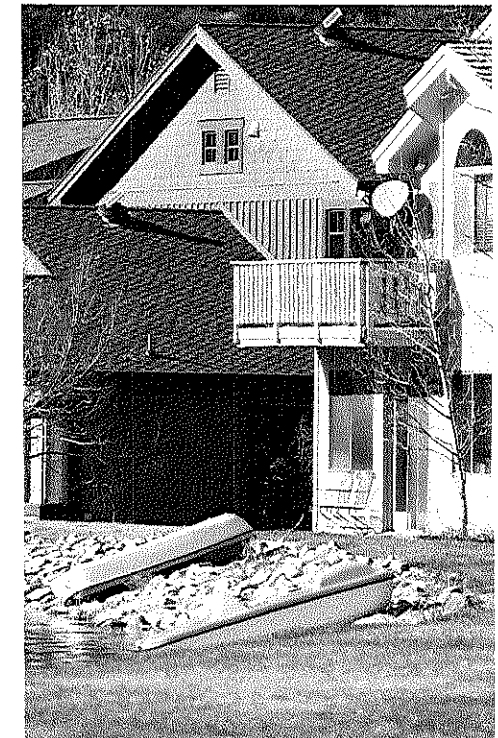
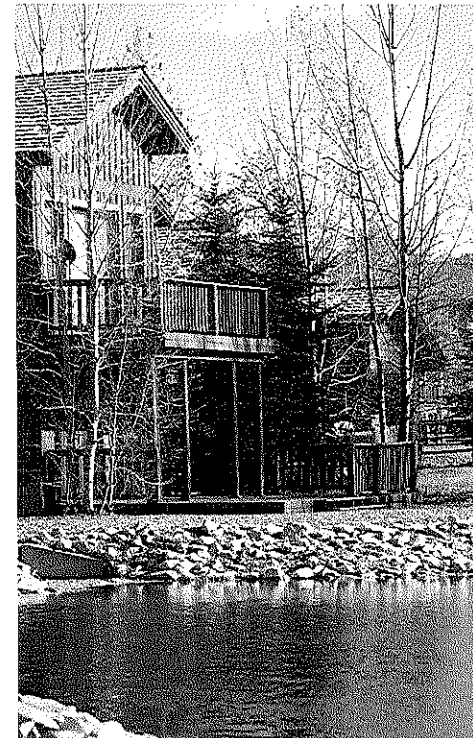
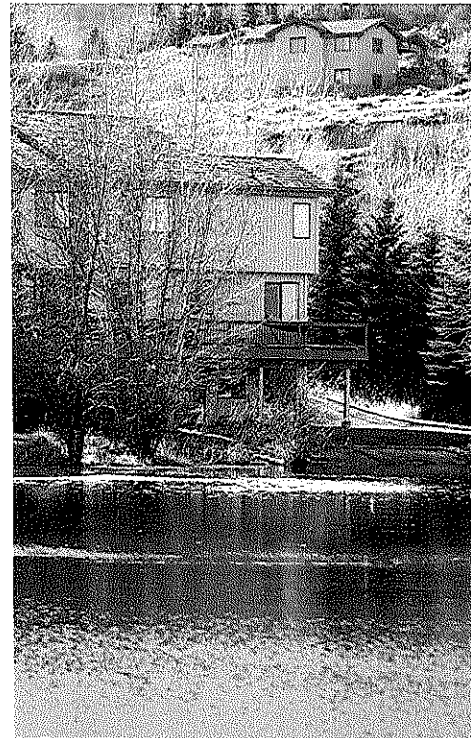
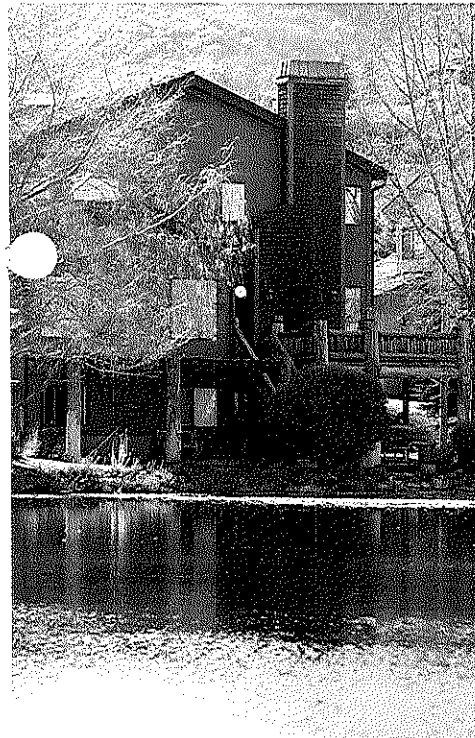
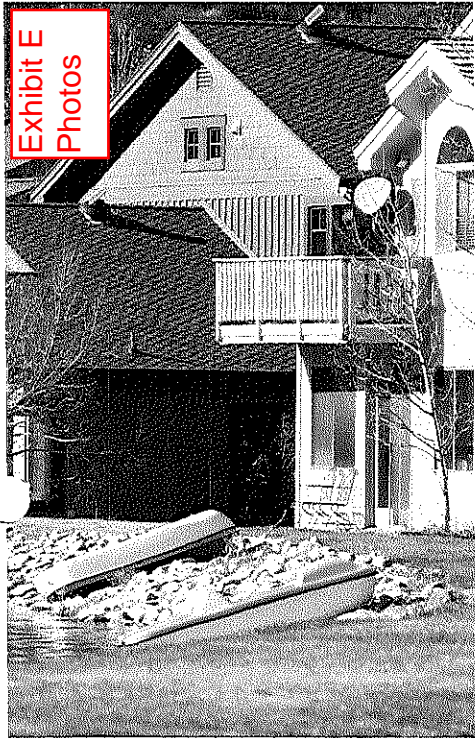
- There are decks on nearly every single house on the lake. They come closer to the water and have been allowed to build. The HOA has given us permission to build the deck since it fits within the architectural guidelines of the neighborhood. There are 23 homes on the lake and over 50% of them have decks.

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

- There would be no negative affects to any surrounding neighbors or the neighborhood. The deck would fit architecturally into the neighborhood and would look very nice on the side of the house.

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

- We understand the necessity to protect undeveloped land in Park City, especially land coming into contact with existing water and streams. However, this particular part of the community has already been completely developed and the deck in question is inline with most of the existing structures surround the property. We have no intention of diminishing the lovely atmosphere around the lakefront. This deck will fit into the neighborhood and allow us to fully use our property.



A sample of the neighboring homes with decks extending closer to lake

Proposed deck on side of home

Lake
↓
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