

1 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**
2 **BOARD OF ADJUSTMENT MEETING**

3
4 **Thursday, September 24, 2015**
5 **6:00 p.m.**
6 **Cottonwood Heights City Council Room**
7 **1265 East Fort Union Boulevard, Suite 250**
8

9 **ATTENDANCE**

10
11 **Members Present:** Doug Folsom, Pete Ellison, Don Antczak, James Adinaro

12
13 **Staff Present:** City Planner Mike Johnson, City Attorney Shane Topham

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15 **Others Present:** Elizabeth Johnson

16
17 **WORK SESSION**

18
19 The Chair called the meeting to order at 5:38 p.m. He clarified that tonight’s meeting was to
20 review the request for the expansion of a non-complying structure.
21

22 City Planner, Mike Johnson, reported that the property in question is near the intersection of
23 Highland Drive and Bengal Boulevard and is in a residential area. He explained that the
24 neighborhood appears to have been developed around the same time as the lots are
25 approximately the same size. The lot in question has a driveway that is close to the property line
26 with a setback of nine feet between the posts of the carport and the property line. City Code
27 requires 20-foot side yards with both sides added together. In addition, no side can be less than
28 eight feet. The existing home has a minimum total setback of 18½ feet, making the entire
29 structure noncompliant. The proposed addition does not affect any of the setbacks, however,
30 because it is a noncompliant structure, any addition or any expansion to the home requires Board
31 of Adjustment approval.
32

33 The property owner is requesting the ability to enclose the carport and add a rear addition to the
34 property. Renderings were displayed of the structure including elevation slides and proposed
35 floorplans. In response to a question raised, Mr. Johnson stated that the rear addition is 372
36 square feet in size. Staff recommended approval as there are no negative impacts given that the
37 rear addition is fairly small and enclosing the carport will benefit the property owners and the
38 neighborhood. A question was raised as to whether other properties in the neighborhood are
39 non-compliant in terms of setbacks. Mr. Johnson responded that the structures are all very
40 similar which could be due to the fact that the former Code required only 15 feet.
41

42 A question was raised about whether the neighbors were given proper notice. Mr. Johnson
43 explained that the matter was noticed on the website but mailed notices are not sent out because
44 there was not a hearing. Board Member Ellison could not imagine neighbors objecting to the
45 proposal. Mr. Johnson reported that staff received an anonymous complaint via email arguing
46 that variances should not be allowed in the City because they affect the integrity of the zoning

1 ordinance. Mr. Johnson added that the email was not applicable to this project. Board Member
2 Ellison asked how anyone would be made aware of the request to enclose the existing structure.
3 Mr. Johnson responded that it was noticed publicly on the website.

4
5 There were no additional questions. The Work Session adjourned at 5:46 p.m.

6 7 **BUSINESS MEETING**

8 9 **1.0 WELCOME/ACKNOWLEDGMENTS**

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11 (6:00:17) The Chair called the meeting to order at 6:00 p.m. He welcomed those in attendance
12 and described the purpose of the Board of Adjustment Meeting that evening.

13 14 **2.0 ACTION ITEMS**

15 16 **2.1 (Project #BOA 15-007) Action on a request for an expansion of a non-complying** 17 **structure by Elizabeth Johnson, under Section 19.88.070 of the Cottonwood Heights** 18 **Municipal Code, for approval of a carport enclosure and addition to the home on** 19 **the property located at 2102 East Villaire Avenue.**

20
21 City Planner, Mike Johnson, presented the staff report and stated that the property is located at
22 2102 East Villaire Avenue, just off of the intersection of Highland Drive and Bengal Boulevard
23 in an existing, established subdivision. The property owners are requesting to enclose a carport
24 and add an addition to the rear of their home. Currently, the setback requirement is 20 feet. The
25 property in question is 1 ½ feet short of the current ordinance making the home a non-complying
26 structure. Per the Code, property owners with non-complying structures must seek Board of
27 Adjustment approval for any changes to the property.

28
29 Mr. Johnson explained that the property owner would like to enclose the carport and add a 372
30 square foot addition to the rear of the home. Staff recommended approval finding that the
31 request meets the intent of the Code, which allows the Board to approve the project and it does
32 not cause significant hardship to adjacent developments or the City in general. Mr. Johnson also
33 noted that a comment submitted via email in opposition to the proposal was distributed to the
34 Board.

35
36 The Chair gave the applicant an opportunity to address the Board. The applicant had nothing to
37 add.

38
39 Board Member Ellison commented that the change would enhance the property by going from an
40 unsecured carport to a secured garage.

41
42 (6:04:42) ***Board Member Ellison moved that the Board approve the expansion of the non-***
43 ***complying structure located at 2102 East Villaire Avenue based on the findings set forth in the***
44 ***staff report. Board Member Adinero seconded the motion. The motion passed unanimously***
45 ***on a voice vote.***

1 **2.2 Approval of the September 24, 2015, Minutes.**

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3 It was clarified that the Board will have five days from the date they receive the minutes to
4 submit corrections. The same process will be followed with the corrected minutes until there are
5 no further changes at which time they will stand approved.

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7 **3.0 ADJOURNMENT**

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9 *Board Member Folsom moved to adjourn. The motion passed unanimously on a voice vote.*

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11 The Board of Adjustment Meeting adjourned at 6:05 p.m.

1 *I hereby certify that the foregoing represents a true, accurate, and complete record of the*
2 *Cottonwood Heights City Board of Adjustment Meeting held Thursday, September 24, 2015.*

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9 Teri Forbes
10 T Forbes Group
11 Minutes Secretary

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14 Minutes approved: