

COTTONWOOD HEIGHTS CITY APPEALS HEARING OFFICER MEETING AGENDA November 9, 2023



Notice is hereby given that the **Cottonwood Heights Appeals Hearing Officer** will convene on **Thursday, November 9, 2023**, at **Cottonwood Heights City Hall** (2277 E. Bengal Blvd., Cottonwood Heights, UT 84121) for a **public meeting**.

The meeting will begin at **5:00 p.m.** in the City Council Workroom.

The public can also hear audio of the open portions of the meeting by connecting to the live broadcast at <http://mixlr.com/chmeetings>.

5:00 p.m. Public Meeting

1.0 Welcome and Acknowledgements

- 1.1 Ex parte communications or conflicts of interest to disclose

2.0 Business Items

2.1 Project AHO-23-007

Consideration and potential action on a request from Frank Mylar for an expansion of a non-conforming structure located at 2494 E. Bengal Blvd.

3.0 Consent Agenda

- 3.1 Approval of Appeals Hearing Officer Minutes from November 9, 2023.

(The Appeals Hearing Officer will approve the minutes of the November 9, 2023 meeting after the following process is met. The City Recorder will prepare the minutes and email them to the Hearing Officer. The Hearing Officer will have five days to review the minutes and provide any changes to the Recorder. If, after five days there are no changes, the minutes will stand approved. If there are changes, the process will be followed until the changes are made and the hearing officer is in agreement, at which time the minutes shall be deemed approved.)

4.0 Adjourn

Meeting Procedures

Items will generally be considered in the following order:

1. Staff Presentation
2. Applicant Presentation (If applicable)
3. Appeals Hearing Officer Deliberation
4. Appeals Hearing Officer Decision

Appeals Hearing Officer applications may be tabled if: 1) Additional information is needed to act on the item; OR 2) The Appeals Hearing Officer feels there are unresolved issues that may need further attention before the Officer is ready to make a decision. No agenda item will begin after 9:00 p.m. without approval from the Appeals Hearing Officer. The Appeals Hearing Officer may carry over agenda items, scheduled late in the evening and not heard, to the next regularly scheduled meeting.

Notice of Compliance with the Americans with Disabilities Act (ADA)

In compliance with the Americans with Disabilities Act, individuals needing special accommodations or assistance during this meeting shall notify the City Recorder at (801) 944-7021 at least 24 hours prior to the meeting. TDD number is (801) 270-2425 or call Relay Utah at #711.

Confirmation of Public Notice

On Friday, November 3, 2023, a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Cottonwood Heights City Offices. The agenda was also posted on the City's website at www.cottonwoodheights.utah.gov and the Utah public notice website at <http://pmn.utah.gov>.

DATED THIS 3RD DAY OF NOVEMBER, 2023

Attest: Paula Melgar, City Recorder

COTTONWOOD HEIGHTS CITY APPEALS HEARING OFFICER STAFF REPORT



November 9, 2023

Summary

Project Number:
AHO-23-007

Subject Property:
2494 E. Bengal Blvd

Action Requested:
Expansion of a Non-
Conforming
Structure

Applicant:
Frank Mylar

Recommendation:
Approve



Subject Property Streetview

Context

Property Owner:
Frank Mylar

Acres:
0.26

Parcel:
22-27-480-055

Zoning:
Residential Office
Zone(RO)



Subject Property Aerial

Overview

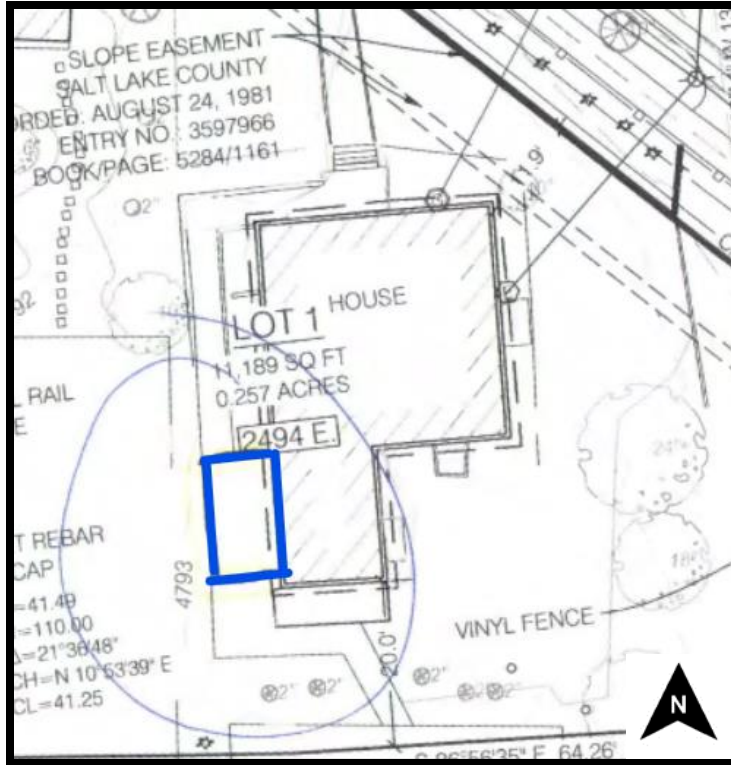
Request

The applicant is proposing an addition to the building on the subject property, currently in use as a small professional office. The proposed addition is a 10'x15' side porch extending into the west yard. The structure, constructed in 1931, predates the city's incorporation. The parcel was subdivided in 2018 to create an additional residential property directly to the south, At the time, both properties (2494 E. Bengal Blvd & 7683 S. Bengal Blvd) had a zoning designation of Residential Office (RO). In 2019, 7683 S. Bengal Blvd (the adjacent property to the south) was granted a zone map amendment to Residential Single-Family (R-1-8). Setbacks in the Residential Office zone (the zoning designation of the subject property) are increased when adjacent to a single-family zone. Therefore, the minimum side setback requirement for the applicant's property increased from 20 to 25 feet as a result of that adjacent zone change. The structure is now considered a legal nonconforming structure in that it was legally approved and established, but no longer meets the minimum side-yard setback requirement of the city's zoning ordinance.

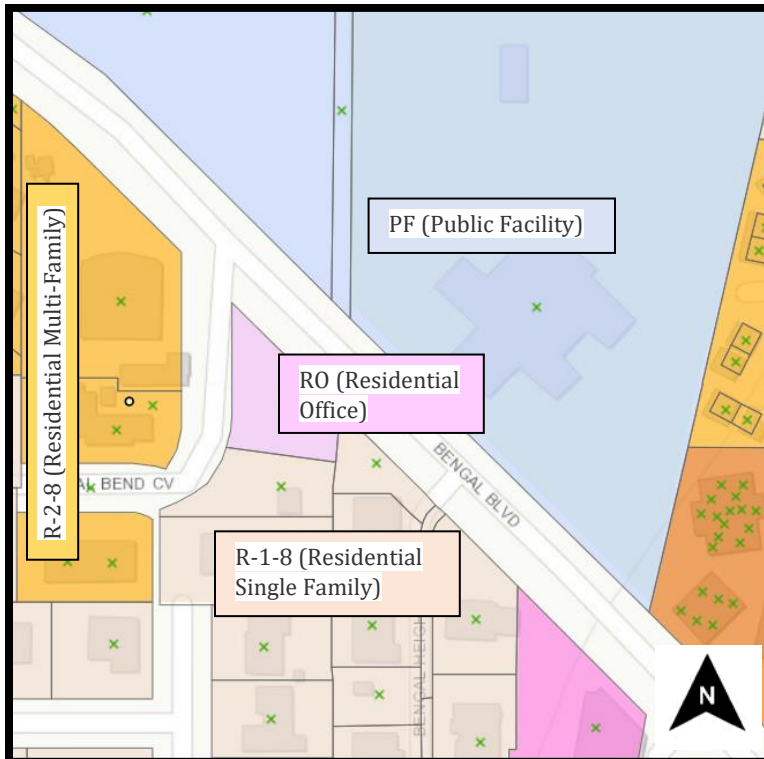


Aerial image for both lots

The existing home is set back 20 feet from the side property line (south), which differs from the minimum ordinance requirement of 25 feet. The applicant is proposing to add a side porch structure along this nonconforming side property line, extending westward while maintaining the current 20' side setback. The expansion of the structure to the west does not further violate any other setback standards. Expansions of such non-conforming structures require approval by the Appeals Hearing Officer prior to issuance of a building permit.



Site plan including proposed addition (proposed addition in blue box)



Zoning map

Development Standards

§19.35.060 Setbacks/Yard Requirements (RO)

As seen in the below table, the front and rear setbacks of the proposed project are fully compliant with City Code, and the side setback does not become any more nonconforming than what already exists on site.

	Required	Existing	Proposed
Front Setback	25'	47'	37.5'
Side Setback (Next to Residential)	25'	20'	20'
Rear Setback (Next to Residential)	30'	30'	No Change

Appeals Hearing Officer Authority

Chapter 19.88 of the Cottonwood Heights Municipal Code allows for additions to non-conforming structures upon approval from the city's Appeals Hearing Officer:

19.88.070 Additions, enlargements, moving and reconstruction of building.

B. A building occupied by a nonconforming use or a building noncomplying as to height, area, or yard regulations 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 Appeals Hearing Officer provided that the Appeals Hearing Officer, after the hearing, shall find:

- 1. The addition to, enlargement of, moving of, or reconstruction of the noncomplying building at a new location on the lot will be in harmony with one or more of the purposes stated in section 19.02.020, and shall be in keeping with the intent of this title;*
- 2. That the proposed change does not impose any unreasonable burden upon the lands located in the vicinity of the nonconforming use or noncomplying building.*

19.02.020 Purpose of provisions.

This title is designed and enacted for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the city, including, among other things, the lessening of congestion in the streets or roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, and securing economy in governmental expenditures, fostering the city's industries, and the protection of both urban and non-urban development.

Analysis

Staff finds that the proposed expansion of the building introduces no significant impact, given the following:

- The proposed addition will maintain the current distance from the south property line. Additionally, the height of the house will remain unchanged, as the roof pitch will be aligned with the existing design.
 - The proposal is otherwise compliant with zoning standards and will be verified to comply with all other city regulations during the building permit process.
 - A significant number of the city's existing structures were established prior to incorporation and are nonconforming in some way. The city has used this provision to promote reinvestment and revitalization of older properties to enhance the value of the city and provide applicants/property owners the opportunity to stay in Cottonwood Heights.
 - The proposed addition does not introduce any further non-conformity than already legally exists.
-

Recommendation & Findings

Staff recommends **APPROVAL WITH CONDITIONS** of the request for an expansion of a nonconforming structure, based on the following findings:

1. The proposal will not negatively affect the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the city because the use is the same as currently exists;
2. The proposal will not create any additional congestion in the streets or roads;
3. The proposal will not create a fire safety issue;
4. The proposal will not affect air flow or block natural light from adjoining properties by conforming with all height regulations;
5. The proposal will have no apparent negative effect on the city's tax base;
6. The proposal will not place any type of unreasonable burden upon neighboring properties;
7. The proposal is in keeping with the intent of the Cottonwood Heights Zoning Ordinance.

RECOMMENDED CONDITIONS OF APPROVAL:

1. Applicant shall obtain a building permit for the construction of the addition.

MODEL MOTIONS:

Approval

I move to approve project AHO-23-007, with the conditions and based on the findings listed in the staff report dated November 9, 2023...

- Add any additional findings for approval...
- Add any additional conditions for approval...

Denial

I move to deny project AHO-23-007, based on the following findings...

- List findings for denial...

Attachments

1. Proposed Addition Plans
2. Project Narrative
3. Structure Detail

Here is the requested information for our permit for the small addition.

The addition is 15' x 10' to the West side of the rear of the house.

Materials:

1. 8"x 8" concrete footing over the top of a 6" concrete slab for the base, with anchor bolts in the concrete to attached to the base plate.
2. 6"x 2" on 24" centers for the walls and the ceiling/roof.
3. Steel roofing, with more solar panels on top of the roof to match the pitch and style of the existing West side roof.
4. 5/8" wafer board for the outside. 5/8" drywall inside., House wrap on the outside and then siding over that. R-19 insulation in the walls, floor, and roof.
5. This addition will be built around the existing part of the house.
6. 2 insulated windows facing West, like the current windows that are facing West.
7. One French door leading from existing structure into this new room.
8. Setbacks: On the West side the set back is 37' 5"
On the South or rear of the property, the setback is 21'
9. The roof will have a pitch that matches the existing pitch which I think is 1/5. The adjoining side to the building will be 10' and the new outer wall will be 8' so a drop in 2' over a distance of 10'.

Please let me know if you need anything else. Thanks,

Frank

Samantha DeSeelhorst

From: Mylar-Law [REDACTED]
Sent: Monday, September 25, 2023 3:43 PM
To: Samantha DeSeelhorst
Cc: Planning; Ian Harris; Maverick Yeh
Subject: [EXT:]Re: [EXT:]Completed Form

Thanks for the call Samantha,

My sent document shows the narrative but I understand it did not go through. Here it is again:

This home parcel was subdivided a couple of years ago. Both properties were zoned "Residential Office." My property only needed to be 20 feet from the rear property line (the rear fence) at the time and this was expressly approved by the City for the sub-divided plot. I would have moved the fence more South if the City had requested it. I believe the set back was appropriate for the zoning at that time.

The new addition/porch area is 21 feet from the rear property line and 37.5 feet from the West Property line. I was never given notice that my set back was effectively changed when my neighbor rezoned his property from Residential/Office to Residential. Even so, the new addition would be less of a non-conforming setback than the existing home since the existing building is 20 feet from the rear property fence/line and the new addition will be 21 feet.

The image shows a form titled "EXPANSION OF A NON-CONFORMING USE". The form is from the City of Salt Lake City, Department of Community & Economic Development. It contains the following information:

Property Address	3464 Bengal Blvd., Salt Lake City UT 84121-8154
Site Description	20' x 15' side yard extension to building
Property Owner (Name and Company)	Frank D. Mylar and Daddy Mylar
Property Owner Mailing Address	3464 Bengal Blvd., Salt Lake City UT 84121-8154
Property Owner Phone	8017120524
Property Owner Email	Fmylar@msn.com
Applicant (Name and Company)	Frank D. Mylar
Applicant Mailing Address	3464 Bengal Blvd., Salt Lake City UT 84121-8154
Applicant Phone	8017120524
Applicant Email	Fmylar@msn.com
Application Date	August 2023
Applicant Signature	[Signature]
Applicant Title	Applicant
Planning Commission (Meeting Number)	
Final Fee Paid	

Please let me know if I need provide other information. Thanks.

Sent from Frank D. Mylar's iPad -
Mylar Law, P.C. -
[REDACTED]

On Sep 25, 2023, at 3:09 PM, Mylar-Law [REDACTED] wrote:

Thanks Samatha,

So I did already provide this information previously. Do I need to provide it again? Also, I did explain the issue in the narrative. Do I need to explain more? Please let me know. Thanks!

Frank

Please see attached the electrical drawing of the addition.

Also, you ask about the following:

1. 8" x 8" concrete will attached by rebar to the 6" inch concrete slab. 2 on each of the 3 walls. Also will have L bolts in the concrete to secure the base plate, 2 on each wall.
2. The roof will attach to the wall with the normal aluminum ties. Will also place 2" x 6" x 22" cut boards between each ceiling joist for added support, at the ends and also in the middle of each 2" x 6" x 11.5'.

Please let me know if you need any other details. Thanks.

