



**PLANNING COMMISSION MEETING
NOVEMBER 15, 2023 AT 6:00 PM
505 EAST 2600 NORTH
NORTH OGDEN, UT 84414**

PUBLIC CAN ATTEND IN PERSON, OR:

Click the link to join the webinar: <https://us02web.zoom.us/j/82166469347> Webinar ID: 821 6646 9347

Or Telephone Dial: 1 669 900 9128 or 1 253 215 8782 or 1 346 248 7799 or +1 646 558 8656

YouTube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos>

Welcome: Chairman Thomas

Invocation or Thought: Commissioner Green

Pledge of Allegiance: Commissioner Barker

1. Roll Call
2. Ex parte communications or conflicts of interest to disclose
3. Public comments for items not on the agenda*

LEGISLATIVE ITEMS

4. ANX 2023-03 Consideration and action on a legislative application to annex property at approximately 730 East 1750 North and zone the property R-1-8 (AG)
Presenter: Ryan Nunn, Planner
5. ZTA 2023-08 Public hearing, consideration and recommendation on a legislative amendment to amend accessory building standards Citywide
Presenter: Scott Hess, Community and Economic Development Director
 - a. Public Hearing
 - b. Consideration and recommendation
6. Public comments*
7. Remarks - Planning Commissioners
8. Report - Community and Economic Development Director
9. Remarks - City Manager/Attorney
10. Adjournment

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the North Ogden City limits on this 9th day of November, 2023 at North Ogden City Hall, on the City Hall Notice Board, on the Utah State Public Notice Website, and at <http://www.northogdencity.com>. The 2023 meeting schedule was also provided to the Standard Examiner on December 16, 2022.

The Planning Commission at its discretion, may rearrange the order of any item(s) on the agenda. Final action may be taken on any item on the agenda. In compliance with the American with Disabilities Act, individuals needing special accommodation (including auxiliary communicative aids and service) during the meeting should notify the City Recorder at 801-782-7211 at least 48 hours prior to the meeting. In accordance with State Statute, City Ordinance and Council Policy, one or more Planning Commission Members may be connected via speakerphone.
Rian Santoro, City Recorder

Public Comments During Meetings

- Time is made available for anyone in the audience to address the Commission concerning matters pertaining to City business.
- Before each agenda item begins, City staff will give a report. After the staff report, the applicant will speak first and be allowed up to 10 minutes. Following the applicant, any other interested person will be allowed to speak for up to 5 minutes. The applicant has final rebuttal time of up to 5 minutes.
- Any materials that are displayed or referenced, e.g., pictures or written materials, are part of the record and must be left with the Commission.
- Speakers are required to have signed in at the door and will state their name and City residing before beginning their remarks. If you agree with a previous speaker, state your agreement to avoid repetitious remarks.
- Speakers shall address the Commission from the podium or microphone and shall address all comments to the Planning Commission.

Staff Report to the North Ogden City Planning Commission

SYNOPSIS/APPLICATION INFORMATION

Application Request: Consideration and action on a legislative application to annex property at approximately 730 E 1750 N and zone the property R-1-8 (AG)
Agenda Date: November 15, 2023
Applicant: Paul Mackley
File Number: ANX 2023-03

PUBLIC NOTICE:

Mailed Notice: None
Newspaper: None
City Website: November 8, 2023

PROPERTY INFORMATION

Address: approx. 730 E 1750 N
Project Area: 0.123 Acres
Current Zoning: Weber County (A-1)
Proposed Land Use: Residential R-1-8 (AG)
Parcel ID: 11-004-0085

ADJACENT LAND USE

North: Single-Family Residential South: Single-Family Residential
East: Vacant or Agricultural West: Single-Family Residential

STAFF INFORMATION

Ryan Nunn
rnunn@nogden.org
(801) 737-2202

APPLICABLE ORDINANCES

North Ogden Zoning Ordinance 11-1-7 (Annexed Territory)
North Ogden Zoning Ordinance 11-5-9 (Rezoning and Annexation)
North Ogden Zoning Ordinance Title 11-9 (Article B. Single-Family Residential R-1-8(AG))

LEGISLATIVE DECISION

When the City is considering a legislative matter, the Planning Commission acts as a recommending body to the City Council. The City has wide discretion in taking legislative action. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically, the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes.

BACKGROUND

The applicant has applied to annex 0.123 acres of property at approximately 730 E 1750 N. The property currently has no buildings constructed in the unincorporated County.

The applicant originally requested the Rural Residential RE-20 zone for this annexation, but after a discussion with the applicant, they have agreed to conform with the surrounding area zoning designation of Single-family residential R-1-8(AG).

The adjacent properties are zoned R-1-8(AG) to the west, north, east, and south.

CONFORMANCE TO THE GENERAL PLAN

The North Ogden annexation petition has been accepted by the City Recorder and was accepted and begun by the North Ogden City Council on November 1, 2023.

Staff reviews the current General Plan and Zoning Map for what is adjacent to the property to make a reasonable determination of what zone should be applied. The General Plan map calls for this property to be developed as residential low density, which is defined as single-family homes, built on lots with 8,000 square feet and larger. Properties along 1700 N include Single-Family Residential R-1-8, R-1-8A and Rural Residential RE-20.

The Single-family residential R-1-8(AG) zone that is being requested by the applicant, is similar in intensity to the surrounding properties. Staff believes that the desired zoning is compatible with surrounding zoning districts and will not represent a conflict in the use or development of this property.

Staff is in support of this application as it has been submitted. The Public Works Department will determine if the City is able to serve the area with culinary water, secondary water, storm water, and sewer services. The determination of utility provision will be included in the City Council's final acceptance and certification of the annexation. The applicant will be required to complete all necessary site plans and subdivisions prior to developing the property.

SUMMARY OF LAND USE AUTHORITY CONSIDERATIONS

- Is the annexation and zoning proposal consistent with the General Plan?
- Is the property located within the North Ogden City annexation declaration boundary?
- What is the appropriate zoning for this property?

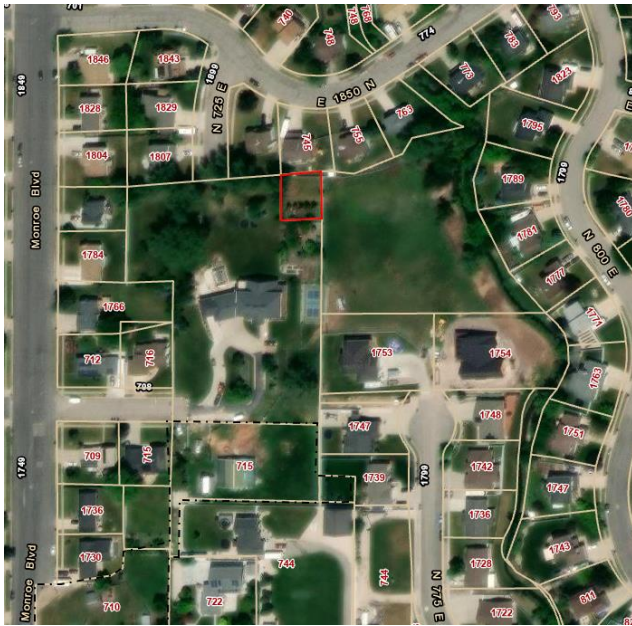
RECOMMENDATION

Staff recommends that the Planning Commission recommend approval to the City Council for annexation of this property and apply the Single-family residential R-1-8(AG) zone. The proposed zoning is consistent with the General Plan and will meet a top priority by annexing one of the island properties located within North Ogden City boundary.

EXHIBITS

- A. Annexation Letter
- B. Annexation Plat

AREA MAP



GENERAL PLAN FUTURE LAND USE MAP



October 25, 2023

Scott Hess
Planning Director
North Ogden, Utah 84414

RE: Petition for Annexation – Mackley (located at approximately 730 East 1750 North)

Enclosed is a copy of the petitioner's plat that is being considered for Annexation. The petitioner is requesting the RE-20 zone for this Annexation. Please email me your objections, concerns, or approval on or by Monday, October 30, 2023, by 5 p.m. to rsantoro@nogden.org.

Sincerely,

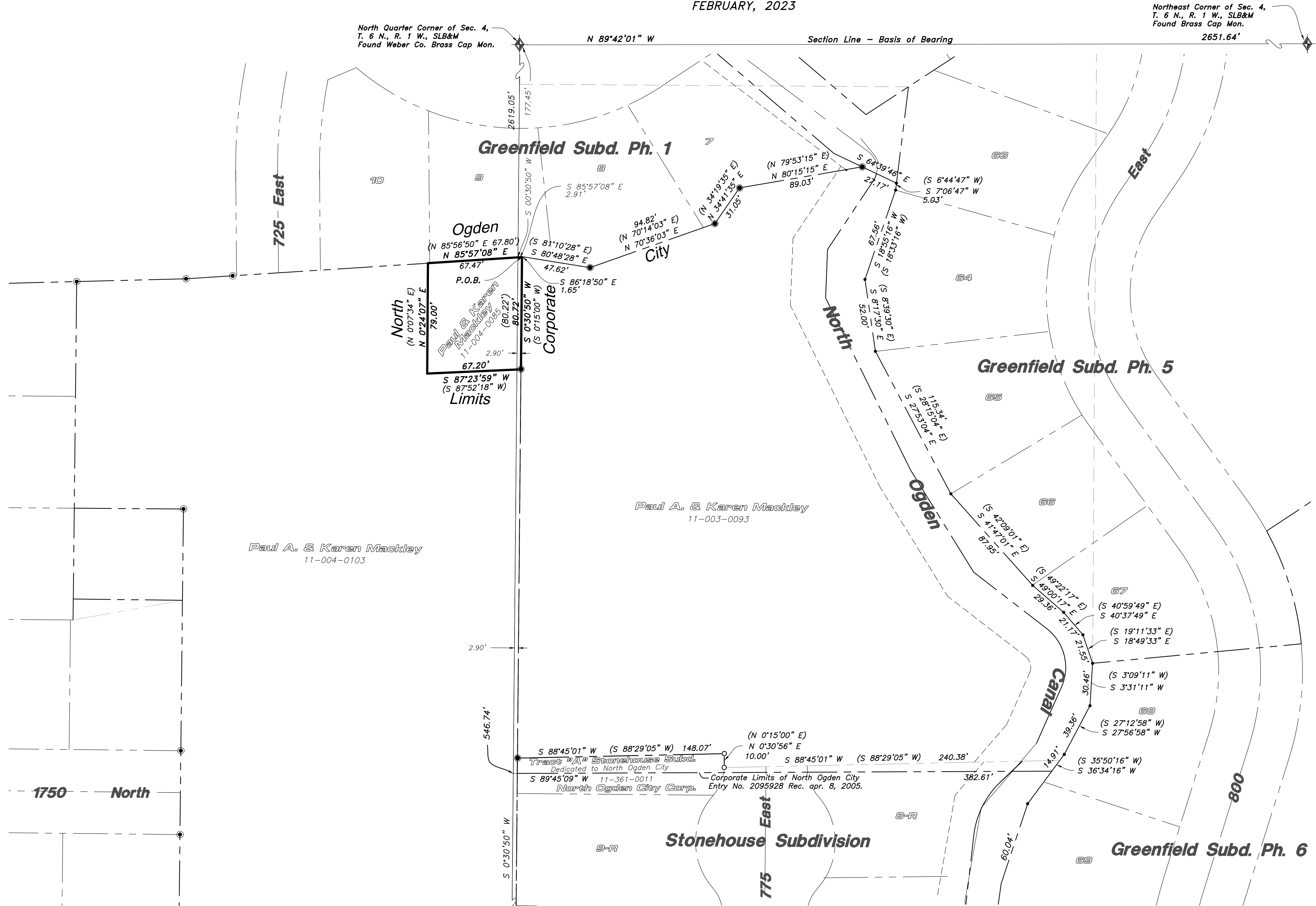


Rian Santoro
North Ogden City Recorder

Enc.

ANNEXATION TO THE CORPORATE LIMITS OF NORTH OGDEN CITY
ORDINANCE NO. -

A PART OF THE NORTHEAST AND NORTHWEST QUARTERS OF SECTION 4, TOWNSHIP 6 NORTH, RANGE 1 WEST,
SALT LAKE BASE AND MERIDIAN
WEBER COUNTY, UTAH
FEBRUARY, 2023



SURVEYOR'S CERTIFICATE
I, K. GREG HANSEN, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; AND I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THIS PLAT, AND THAT THIS IS A TRUE AND ACCURATE MAP OF THE TRACT OF LAND TO BE ANNEXED TO NORTH OGDEN CITY, WEBER COUNTY, UTAH.
SIGNED THIS 16TH DAY OF FEBRUARY, 2022.



ANNEXATION BOUNDARY DESCRIPTION
A PART OF THE NORTHEAST AND NORTHWEST QUARTERS OF SECTION 4, TOWNSHIP 6 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN.
BEGINNING AT THE NORTHEAST CORNER OF THE PAUL MACKLEY AND KAREN MACKLEY PROPERTY, TAX ID. NO. 11-004-0085, BEING A POINT ON THE SOUTH BOUNDARY LINE OF LOT 9, GREENFIELD SUBDIVISION PHASE 1, SAID POINT BEING 2.90 FEET EAST OF THE WEST LINE OF SAID NORTHEAST QUARTER LOCATED 177.45 FEET SOUTH 00°30'50" WEST ALONG THE WEST LINE OF SAID NORTHEAST QUARTER AND 2.91 FEET NORTH 85°57'08" EAST (NORTH 85°56'50" EAST BY RECORD) FROM THE NORTH QUARTER CORNER OF SAID SECTION 4;
RUNNING THENCE ALONG THE BOUNDARY LINE OF SAID MACKLEY PROPERTY THE FOLLOWING FOUR (4) COURSES; (1) SOUTH 00°30'50" WEST 80.72 FEET (SOUTH 00°15'00" WEST 80.22 FEET BY RECORD) PARALLEL TO THE WEST LINE OF SAID NORTHEAST QUARTER; (2) SOUTH 87°23'59" WEST (SOUTH 86°52'18" WEST BY RECORD) 67.20 FEET; (3) NORTH 00°24'07" EAST (NORTH 00°07'34" EAST BY RECORD) 79.00 FEET TO THE SOUTH BOUNDARY LINE OF SAID GREENFIELD SUBDIVISION PHASE 1; AND (4) NORTH 85°57'08" EAST 67.47 FEET (NORTH 85°56'50" EAST BY RECORD 67.80 FEET BY RECORD) ALONG SAID SOUTH BOUNDARY LINE TO THE POINT OF BEGINNING. CONTAINING 5,365 SQUARE FEET OR 0.123 ACRES.

OWNERS AFFIDAVIT
THE UNDERSIGNED OWNERS OF THE HEREON DESCRIBED TRACT OF LAND, HAVING CAUSED THE SAME TO BE ANNEXED IN NORTH OGDEN CITY.
SIGNED THIS _____ DAY OF _____, 2023.
PAUL A. MACKLEY KAREN MACKLEY

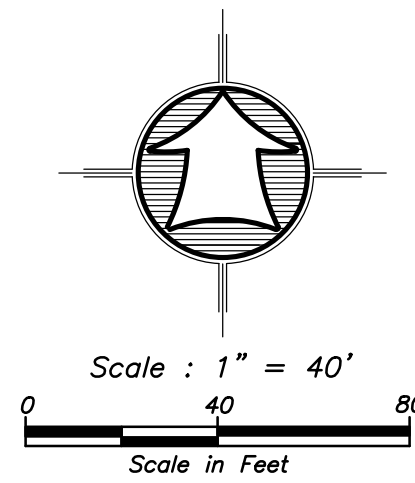
ACKNOWLEDGMENT
State of Utah } ss
County of Weber
On this _____ day of _____, 2023, Paul A. Mackley and Karen Mackley, Husband and Wife as Joint Tenants, personally appeared before me, the undersigned Notary Public in and for said County of Weber, in the State of Utah, the signers of the attached Owners Affidavit, two in number, who duly acknowledged to me they signed it freely and voluntarily and for the purpose therein mentioned.

Notary Public

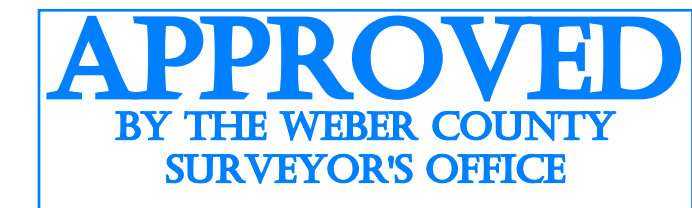
NORTH OGDEN ACCEPTANCE
I HEREBY CERTIFY THAT THIS PLAT OF ADDITION TO THE CORPORATE LIMITS OF NORTH OGDEN CITY WAS ACCEPTED BY THE MAYOR AND THE CITY COUNCIL FOR NORTH OGDEN CITY, WEBER COUNTY, UTAH, BY AN ORDINANCE PASSED ON THE _____ DAY OF _____, 2023.
IN WITNESS WHEREOF I HEREBY UNTO SET MY HAND AND AFFIX THE OFFICIAL CORPORATE SEAL OF NORTH OGDEN CITY THIS _____ DAY OF _____, 2023.
APPROVED: _____ ATTEST: _____
MAYOR CITY RECORDER

NARRATIVE
The Purpose of this survey was to prepare this plat of Addition to the Corporate Limits of North Ogden City as shown and described hereon. This Survey was ordered by Paul Mackley. The control used to establish the property corners was the existing Weber County Surveyor Monumentation surrounding Section 4, Township 6 North, Range 1 West, S.L.B.&M. The basis of bearing is the North line of the Northeast Quarter of said Section which bears North 89°42'01" West, Utah North, State Plane, Calculated N.A.D.83 Bearing.

HAI HANSEN & ASSOCIATES, INC.
Consulting Engineers and Land Surveyors
538 North Main Street, Brigham, Utah 84302
Visit us at www.haies.net
Brigham City Ogden Logan
(435) 723-3491 (801) 399-4905 (435) 752-8272



- LEGEND:**
- SUBJECT PROPER ADJOINER PROPERTY LINE
 - CENTERLINE
 - FENCE LINE
 - SECTION CORNER
 - EXISTING NORTH OGDEN CITY CORPORATE LIMITS
 - PROPOSED CORPORATE BOUNDARY
 - SET 5/8" REBAR W/ CAP
 - FOUND REBAR AND CAP



WEBER COUNTY SURVEYOR
I Herby Certify that the Weber County Surveyor's Office has Reviewed this Plat and all conditions for approval by this office have been satisfied. The approval of this Plat by the Weber County Surveyor does not relieve the Licensed Land Surveyor who executed this plat from the responsibilities and/or liabilities associated therewith.
Signed this _____ Day of _____, 2023.

Weber County Surveyor

WEBER COUNTY RECORDER
Entry No. _____
Fee Paid: _____
Filed for Record and Recorded: _____ 2023.
At _____ In Book _____ of the Official Records,
Page _____
Recorded For: _____ TIME: _____

Weber County Recorder

Deputy

Staff Report to the North Ogden Planning Commission

SYNOPSIS / APPLICATION INFORMATION

Application Request: Public hearing, consideration and recommendation on a legislative amendment to amend accessory building standards city-wide.

Agenda Date: November 9, 2023

Applicant: North Ogden City Staff

File Number: ZTA 2023-08

PUBLIC NOTICE:

Mailed Notice: N/A

City Website: November 3, 2023

STAFF INFORMATION

Scott Hess
shess@nogden.org
801-737-9841

APPLICABLE ORDINANCES

North Ogden Zoning Ordinance 11-9 Residential and Civic Zones, and 11-12 Hillside Protection Zones (all residential zoning districts)

LEGISLATIVE DECISION

When the City is considering a legislative matter, the Planning Commission acts as a recommending body to the City Council. The City has wide discretion in taking legislative action. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically, the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes.

BACKGROUND

The applicant applied for a building permit on December 23, 2022. That Building Permit was denied on January 20, 2023 due to not meeting the requirements of North Ogden City Codes (see Attachment B). It was later discovered by the City that the applicant had begun construction of the structure, and was issued a “Red-Tag Notice” from the Building Department on May 16, 2023 (see Attachment C) instructing the applicant to cease work immediately. The applicant and the City discussed options for how to move forward, and the applicant applied for a Variance to the setback and roof pitch determinations made by the City. The variance

application was denied with a Notice of Decision dated October 4, 2023 (see Attachment D). In light of the denial, the applicant has submitted an application for a Rezoning Text Amendment to amend the accessory building standards.

ANALYSIS

The North Ogden City Code related to accessory building design standards and materials was amended in April of 2020. Ordinance 2020-07 adjusted the overall size and location accessory buildings. At that time, Staff reviewed surrounding City ordinances and attempted to strike a balance between individual property rights and impacts to neighbors from large accessory buildings.

The current size and location standards for accessory buildings is as follows:

“Buildings that meet the design standards requirements in 11-9M-8: a building up to 10’ tall may be 3’ from the property line. Beginning at 5’ from the property line, an increase in building height beyond 10’ is permitted up to a maximum building height of 25’ (at the tallest point of the roof of the building), with an increase, at a 1:1 ratio, in the required setback distance of the building walls from the property line.”

The question for the Planning Commission is whether or not the current ordinance meets the needs of the City and its residents. In the applicant’s case, they are unable to meet the height and setback requirements for their constructed building, and they would like to figure out a solution that works in their case and potential similar cases in the future.

DRAFT CODE LANGUAGE

Draft Code Language below was submitted by the Applicant:

“If a property is adjacent to a property that is commercial or can never be residential, allow the height of an outbuilding to be 25 feet high if the outbuilding is at least 10 feet from the property line adjacent to the commercial non residential property.”

The applicant’s stated desire is to find a way to isolate this case in the Code, as opposed to amend the entire City Code Citywide. Staff is uncertain how to do that exactly, and would like to use the time with the Planning Commission to workshop potential ideas or solutions, and provide guidance back to Staff to craft an ordinance for the City Council’s consideration.

CONFORMANCE WITH THE GENERAL PLAN

The Vision for North Ogden in the General Plan reads: “North Ogden will continue to be a community of beautiful homes and friendly people that capitalizes on the impressive setting beneath the slopes of Ben Lomond peak. North Ogden will strive to:

- Assure that North Ogden remains a beautiful place to live, work, and recreate;

- Preserve the essential characteristics of a family friendly community that assures an enduring legacy, small town feel, and high quality of life in North Ogden.

Staff believes that the Planning Commission can find the proposed Code language amendments to be in conformance with the General Plan, but also that the existing ordinance meets the intent of the General Plan. The Planning Commission should determine if amending the accessory building height and location standards is in the City's best interest.

SUMMARY OF LAND USE AUTHORITY CONSIDERATIONS

There are some guiding principles that should be considered before there is a change in code standards.

- Is the request a positive change for not only a specific property but does it make sense for the entire city?
- Is there additional language that is appropriate for this ordinance?
- Is the proposal consistent with the General Plan?

RECOMMENDATION

Staff recommends that the Planning Commission conduct the public hearing, consider the proposed ordinance amendment language, and make a recommendation to the City Council.

EXHIBITS

- A. Application
- B. Building Permit
- C. Red Tag Notice
- D. Variance Notice of Decision



Land Use Development Application

Date: 11/03/2023

Applicant / Owner

Applicant Name: Robert Wallace
 Company:
 Address: 1115 E 1675 N
 City, State, Zip: 1115 E 1675 N
 Phone:
 Email:

Same as Applicant: ☒
 Owner Name: Robert Wallace
 Address: 1115 E 1675 N
 City, State, Zip: North Ogden, Utah, 84404
 Phone:
 Email:

Contractor Information

Contractor:
 Address:
 City, State, Zip:

Phone:
 Email:

Project

Project Name: Out building
 Address: 1115 E 1675 N
 City, State, Zip: North Ogden, Utah, 84404
 Parcel:
 Subdivision: Carriage Hills
 Lot #:

Acreage: .80
 Current Zoning:
 Proposed Zoning: N/A
 # of lots:
 Existing Sq.Ft.:
 Proposed Sq.Ft.:
 Land Serial #:

Project Description: [Description]

Application Type

Subdivision: ☐
 Preliminary Approval: ☐
 Final Approval: ☐
 Special Exception: ☐
Minor Subdivision: ☐
 Subdivision without Review: ☐
 Amendment or Vacation: ☐
Boundary Line Adjustment: ☐
Site Plan Review: ☐
 With Technical Review: ☐
 No Technical Review: ☐
Zoning Amendment: ☒
 Text: ☒
 Map: ☐
 Annexation City: ☐
Hearing Officer: ☐

Variance: ☐
Conditional Use Permit: ☐
 City Fee (With Review): ☐
 City Fee (No Review): ☐
Planned Residential Unit: ☐
Subdivision Extension: ☐
 Fence: ☐
 Fence Interior Lot: ☐
 Fence Corner Lot: ☐
 Patio: ☐
 RV PADS/Expand Driveway: ☐
 New Structure: ☐
 Shed: ☐
 Other Structure under 200 sq. ft.: ☐
 Deck: ☐
 Other: ☐

Vacation Request

Easement: ☐
 Road: ☐

Subdivision: ☐
 Subdivision Lot: ☐

Conditional Use Permit

Please explain the measures that will take place so that heavy traffic generated by the proposed use will not adversely affect the general traffic patterns of the area.

What measures are going to take place to assure that the building location will not create a pedestrian traffic hazard by causing approaches to sidewalks?

Please explain how the building design is compatible with, or complimentary to, already established adjacent structures.

If the development is adjacent to a residential zone or use, please explain how the building location, lighting, parking, or traffic circulation will not adversely affect the adjacent residential uses.

Please explain how the signage will be complementary to the development and overall aesthetic nature of the immediate area.

Please explain which proposed toxic materials and pollutants would be used in the proposed use and how such materials and pollutants will be handled, stored, and disposed of.

Please explain what measures will take place to avoid adverse effects on the adjacent residential, commercial, and manufacturing uses.

Residential Conditional Use Permit

What traffic will be generated by this proposed use?

Please explain how the proposed development / use will not overload the carrying capacity for which local streets were designed.

What measures are you taking to assure that the internal traffic circulation will not adversely affect the adjacent residential property?

How is the proposed structure and parking facilities complimentary to the aesthetics of the general area?

Please explain how the proposed sign(s) will not adversely affect the development itself or the overall aesthetics of the immediate area?

Please explain how the proposed landscaping will be sufficient to enhance the aesthetics of the development and area.

Special Exception

Explain how 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 City Ordinance. (The hardship cannot be self-imposed or an economic hardship.)

Explain what is unique to, or the special circumstances attached to the property that does not generally apply to other properties in the city.

Explain how the granting of the special exception is essential to the enjoyment of a substantial property right possessed by other property in the same district.

Explain how the special exception will not substantially affect the general plan and will not be contrary to the public interest.

Explain how the spirit of the Zoning Ordinance is observed and substantial justice is done.

Zoning Ordinance Amendment

STATE THE PHYSICAL DESCRIPTION OF THE AREA PROPOSED TO BE REZONED: East property line of subject lot which shares a property line with Bona Vista Water.

STATE THE LEGAL DESCRIPTION OF AREA PROPOSED TO BE REZONED:

PROPOSED TEXT (attach additional sheets, if needed): If a property is adjacent to a property that commercial or can never be residential, allow the height of an outbuilding to be 25 feet high if the outbuilding is at least 10 feet from the property line adjacent to the commercial non residential property..

Variance

Explain how 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 Zoning Ordinance. (The hardship cannot be self-imposed or an economic hardship.)

Explain what is peculiar to, or the special circumstances attached to the property that does not generally apply to other properties in the same district.

Explain how the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.

Explain how the variance will not substantially affect the general plan and will not be contrary to the public interest.

Explain how the spirit of the Zoning Ordinance is observed and substantial justice is done. Height of the outbuilding does not affect any residential view and owners of the commercial property (Bona Vista Water) have no problem with the height of the outbuilding

I do hereby certify that the information contained herein is true and correct.

Robert N Wallace

Name

11/03/2023

Date

Scott Hess

From: Kai Johnsen
Sent: Friday, January 20, 2023 8:40 AM
To: bob.wallace314@gmail.com
Cc: Colleen Phillips; Nathan Davis
Subject: Building Permit Application

Hello Robert,

The Planning Department has received and reviewed your Building Permit Application for the construction of a detached garage at 1115 E 1675 N. The plans included with the application demonstrated that one or more standards in North Ogden City Code would not be met if the building were constructed as shown. Because of this the application is denied at this time. The specific requirements are detailed below with revisions that are needed to the plans to receive Planning Department approval of this project.

The proposed structure as drawn shows a height of more than 20 feet. A 20-foot-tall structure is permissible if the setback from the property lines is adequate. The structure as drawn would need a setback of 16 feet from the property lines. A building height of 15 feet is permitted with the current 10-foot setback. Please adjust the height of the building or increase the setback distance and provide updated plans.

City Code requires that the roof pitch be a minimum of 4/12. Please adjust the roof design to meet this standard.

All accessory buildings larger than two hundred (200) square feet must be integrated into the design of the residential building with similar residential exterior wall color. Roofing materials including metal roofs shall have a similar color as the main building. To determine if this standard will be met, please provide color photos of the existing home.

A maximum of 25% of the rear yard is permitted to be used for an accessory building. Because this lot is less than an acre in size the minimum rear yard area calculation is based upon the minimum lot width times the rear yard setback and not the actual rear yard dimensions. 25% of the rear yard setback times the minimum lot width is 1,250. The footprint of the proposed structure is 1,397. Please reduce the footprint of the building to meet this requirement.

If there are any retaining walls associated with this project, please identify the location, height, and material of the wall on the site plan.

Below are the links to the City Code for your convenience.

<https://northogden.municipalcodeonline.com/book?type=plan#name=11-9A-3: SITE DEVELOPMENT STANDARDS>

<https://northogden.municipalcodeonline.com/book?type=plan#name=11-9M-8: ACCESSORY BUILDINGS>

If you have any questions, please let me know.

Best regards,



Kai Johnsen | Planning Technician

NORTH OGDEN CITY
505 E. 2600 N. | North Ogden, Utah, 84414
Office: 801-737-2202
kjohnsen@nogden.org





SETTLED 1851

Mayor
Council

S. Neal Berube
Ryan M. Barker
Blake D. Cevering
Jay D Dalpiaz
Phillip D. Swanson
Charlotte Ekstrom

May 16, 2023

Robert Wallace
1115 E 1675 N
North Ogden, UT 84414

Re: Accessory Dwelling With no Building Permit

Dear Mr. Wallace:

It has come to the city's attention that you are constructing an accessory building on your property. A building permit application was started on December 23, 2022. The building and planning departments are required to do a review of your application and the planning department found several things that were not in compliance with the city's building code. An email was sent to you on January 20, 2023, with no response. A copy of this email is enclosed with this letter.

This letter is to inform you that you must cease work immediately as the city has **"RED TAGGED"** this project until you can submit the required documentation for a complete application review prior to issuing a building permit.

Failure to provide the city with the necessary documentation to complete the original permit application will result in fines issued by our Code Enforcement Officer. It is illegal to build any structure without a building permit in North Ogden City.

Please contact us by May 25, 2023, with revised plans that meet the planning department requirements.

Sincerely,

Nathan Davis
Building Official
North Ogden City

Appeal Authority Final Record of Decision 9/4/2023

North Ogden City

Wallace Variance Request

APPLICATION INFORMATION

Application Request: Consideration and action on a quasi-judicial application regarding a variance request to reduce the setback of an accessory structure at 1115 E. 1675 N. North Ogden.

Hearing Date: October 3, 2023

Applicant: Robert Wallace

File Number: HOV 2023-01

Appeal Authority: Megan Ryan

PROPERTY INFORMATION

Address: 1115 E. 1675 N.

Project Area: 0.79 acres

Zoning: Rural Residential RE-20

Existing Land Use: Residential

Proposed Land Use: Residential

Parcel ID: 11-157-0007

ADJACENT LAND USE

North: Residential South: Residential

East: Civic (Bona Vista Water Improvement District) West: Residential

APPLICABLE ORDINANCES

North Ogden Zoning Ordinance 11-9 Article A (RE-20 Rural Residential)

North Ogden Zoning Ordinance 11-6-7 (Variances)

Utah State Code 10-9a-702

Case Facts:

1. The applicant built an accessory structure on the property without obtaining a building permit for the structure that houses a workshop and a garage.
2. The applicant applied for a building permit on December 23, 2022, after construction had begun.
3. That Building Permit was denied on January 20, 2023, due to not meeting the requirements of North Ogden City Codes, Title 11-9a and the Building Code.

4. Specifically in Title 11-9a the applicant did not meet the required setback on the eastern side of the property by 4'3.5" to meet the required Setback of 14'3.5" due to the height that the garage portion was constructed at.
5. The applicant had begun construction of the structure despite the denial and was issued a "Red-Tag Notice" from the Building Department on May 16, 2023 instructing the applicant to cease work immediately.
6. The applicant applied for a Variance to the setback determinations made by the City.
7. The roof pitch provision of the application was tabled as City staff agreed to a visual inspection on site to determine structural load compliance and potential alternatives.

Findings:

1. A hearing was held on this application on October 3, 2023, at 1 pm via Zoom with an anchor location at the North Ogden City Hall. The recording is on file with the City of North Ogden Community Development Department.
2. The applicant created a self-imposed hardship by constructing an accessory building without a building permit.
3. There are no physical constraints on the property that would have prohibited the applicant from construction in compliance with North Ogden City Codes.
4. Subject to the Utah State Land Use, Development and Management Act, 10-9a-702 and the North Ogden City Ordinance 11-6-7 all of these criteria must be met by the Applicant:
 - a) Literal enforcement of this title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purposes of this title; and
In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.
 - b) There are special circumstances attached to the property that do not generally apply to other properties in the same district; and
 - c) Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district; and
 - d) The variance will not substantially affect the general plan and will not be contrary to the public interest; and
 - e) The spirit of this title is observed, and substantial justice is done.
5. All five of the criteria outlined above in 4. (a-e) have not been met by the applicant.

Conclusions of Law:

In compliance with the Utah State Land Use, Development and Management Act, 10-9a-702, and the North Ogden City Code, Title 11-4(B) the variance request to reduce the 4'3.5" setback on the eastern property line for an illegally constructed accessory structure at 1115 E. 1675 N. in North Ogden City is denied.

EXHIBIT: North Ogden City Staff Report transmitted September 27, 2023, to the applicant and appeal authority.

NOTICE OF PUBLIC HEARING NORTH OGDEN CITY

Notice is hereby given that the North Ogden Planning Commission will hold a public hearing on **Wednesday, November 15, 2023, at their regularly scheduled meeting beginning at 6:00 pm.** The hearing will be held to receive comments on Zoning Text Amendment 2023-08 to address residential accessory building locations, heights, and standards. The following Code sections will be affected: 11-9 Residential and Civic Zones and 11-12 Hillside Protection Zones.

Copies of materials and staff report are available for public inspection at www.northogdencity.com or at the North Ogden City Offices. This meeting will be held at the North Ogden City Council Chambers at 505 East 2600 North, North Ogden, Utah.

All interested persons shall be given an opportunity to be heard. In compliance with the ADA, individuals needing special accommodation (including auxiliary communicative aids and services) during the meeting should notify the City Recorder at 801-737-9830 at least 48 hours prior to the meeting.

Rian Santoro
City Recorder