

Minutes of the Special Meeting of the Ogden City Board of Zoning Adjustment held on Wednesday, March 13, 2024, at 4:30pm, in the Council Chambers and via electronic means on the third floor of the Municipal Building, 2549 Washington Boulevard, Ogden City, Weber County, Utah.

Members Present: Charles Casperson, Chair  
Lance Evans  
Stephanie Nix

Members Excused: Judy Elsley  
Scott Larsen

Staff Present: Barton Brierley, Planning Manager  
Damian Rodriguez, Planner  
Marqae Martinson, Administrative Assistant II  
Katie Ellis, Assistant City Attorney

**Approval of the Minutes, of the regular meeting held January 24, 2024.**

**A MOTION WAS MADE BY CHAIR CASPERSON TO APPROVE THE MINUTES AS PREPARED AND PASSED UNANIMOUSLY, WITH ALL VOTING AYE.**

**Case #2024-2: Request for a variance from the required minimum front-yard and side-yard facing a street setbacks, at 901 Washington Boulevard.**

Mr. Rodriguez presented that similar requests had been approved twice before, in 2021 and 2022, with both approvals expiring. He reported that this request differs from previous requests in that it does not include a request for variance from the maximum building coverage, due to the applicant's intent to combine the parcel with neighboring parcels, of the same ownership. Noting that the property is within the C-2 zone, he referred to the vicinity map and explained the request, showing the setbacks for both the literal enforcement as well as the requested setbacks. Mr. Rodriguez reviewed the criteria for approving a variance, in Utah State Municipal Code 10-9a-702, and stated that literal enforcement of the land use ordinance would cause an unreasonable hardship, in that it would only allow a 15-foot-wide building which would be significantly limited in use and would be incompatible with the existing development in the area. He indicated that there is a special circumstance attached to the property due to the abnormally narrow width of the parcel being 35.4', where surrounding properties have much larger lot widths. Granting the variance is essential to the enjoyment of the property because the resultant building would lack the internal space necessary to function as a successful commercial building.

Mr. Rodriguez reported that granting the variance would not be contrary to public interest, nor would it substantially affect the general plan because it would result in a building that is more congruent with the existing commercial buildings in the area. He added that the spirit of the zoning ordinance is observed because the stated purpose of the zone can be fulfilled. Discussion continued among the board regarding the location of parking on the property. Mr. Rodriguez explained that there is space for parking to the west and the southwest of the building. Staff recommended approval of the variance to reduce the front yard setback, where 20 feet is required to zero feet, and the side yard setback facing a street from 20 feet to five feet, based on the findings that all five criteria are met.

**A MOTION WAS MADE BY MS. NIX TO APPROVE THE VARIANCE TO REDUCE THE FRONT YARD SETBACK FROM 20 FEET TO ZERO (0) FEET AND THE SIDE YARD SETBACK, FACING A STREET, FROM**

**20 FEET TO FIVE (5) FEET, LOCATED AT 901 WASHINGTON BOULEVARD, BASED ON THE FOLLOWING FINDINGS:**

- 1. LITERAL ENFORCEMENT OF THE ORDINANCE WOULD CAUSE UNREASONABLE HARDSHIP FOR THE APPLICANT THAT IS NOT NECESSARY TO CARRY OUT THE GENERAL PURPOSE OF THE ORDINANCE.**
- 2. THERE ARE SPECIAL CIRCUMSTANCES ATTACHED TO THE PROPERTY THAT DO NOT GENERALLY APPLY TO OTHER PROPERTIES IN THE SAME ZONE.**
- 3. GRANTING THE VARIANCE IS ESSENTIAL TO THE ENJOYMENT OF A SUBSTANTIAL PROPERTY RIGHT POSSESSED BY OTHER PROPERTIES IN THE SAME ZONE.**
- 4. THE VARIANCE WILL NOT SUBSTANTIALLY AFFECT THE GENERAL PLAN AND WILL NOT BE CONTRARY TO THE PUBLIC INTEREST.**
- 5. THE SPIRIT OF THE ZONING ORDINANCE IS OBSERVED, AND SUBSTANTIAL JUSTICE IS DONE.**

**MOTION WAS SECONDED BY MR. EVANS AND PASSED UNANIMOUSLY, WITH ALL VOTING AYE.**

**Other Business: Update to Board of Zoning Adjustment Rules and Regulations on Order of Business for Appeals and Variances.**

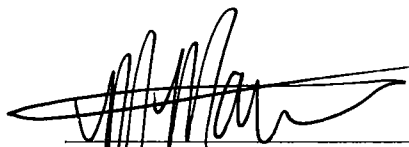
Mr. Brierley presented the proposal to amend the Board of Zoning Adjustment Rules and Regulations. He explained that the update addressed the differences between how the Board would conduct a meeting for an appeal versus a variance. He reviewed that an appeal is deciding the correctness of an action, and a variance is deciding whether a relief from requirements is warranted, based on criteria. Mr. Brierley indicated that amendment states there is no public testimony when hearing an appeal; where in a variance, there is a public comment section. Staff recommended that the Board adopt the amendments to the Rules and Regulations.

**A MOTION WAS MADE BY MR. EVANS TO APPROVE THE PROPOSED AMENDMENTS TO THE BOARD OF ZONING ADJUSTMENT RULES AND REGULATIONS, AS STATED. MOTION WAS SECONDED BY MS. NIX AND PASSED UNANIMOUSLY, WITH ALL VOTING AYE.**

**New Business**

Mr. Brierley stated that there was currently only one item scheduled for the March 27, 2024, meeting, which may be moved to a later date.

**As there was no additional business before the Board, MS.NIX MOVED THE MEETING ADJOURN AT 4:52PM. MOTION WAS SECONDED BY MR. EVANS, ALL VOTED AYE.**



**MARQAE MARTINSON  
ADMINISTRATIVE ASSISTANT II**

  
CHARLES CASPERSON, CHAIR

APPROVED: 4-24-24  
(DATE)

This document, in conjunction with the digital recording and information packet, constitute the official minutes of the Ogden City Board of Zoning Adjustments.