

Minutes of the Regular Meeting of the Ogden City Board of Zoning Adjustment held on Wednesday, April 24, 2024, at 4:53pm, 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
Scott Larsen
Stephanie Nix

Members Excused: Judy Elsley

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 special meeting held March 13, 2024.

A MOTION WAS MADE BY MR. LARSEN TO APPROVE THE MINUTES AS PREPARED. MOTION WAS SECONDED BY MR. EVANS AND PASSED UNANIMOUSLY, WITH ALL VOTING AYE.

Case #2024-3: Request for a variance for the minimum side yard setback for parking at 1117 Country Hills Drive.

Petitioners, Christopher Huffman and Ethan Poppleton, explained that the existing building was converted into apartments and that there was a site plan pending approval for a new two-story building that would add an additional nine units, with the two buildings to be joined together. Their request was for a variance on the west side of the property.

Mr. Rodriguez presented that the request is for a variance to allow for an average of three-foot setback for parking, where the development code would otherwise require a minimum of three feet continuously along the property line for a side-yard setback, for parking, in the R-4 zone. He indicated that the property is over 32,600 square feet and fronts Country Hills Drive. However, the parking is accessed from the parcel to the immediate west, which is also owned by the petitioner. The parcel serves as a private right-of-way that is used not only for the property owners, but also for the condominium developments to the south of the parcel. 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, given the shape of the lot. He indicated that there is a special circumstance attached to the property due to the shape of the property and the curvature along Country Hills Drive. Granting the variance is essential to the enjoyment of the property to fully utilize the square footage of the property. Mr. Rodriguez reported that granting the variance would not be contrary to public interest, nor would it substantially affect the general plan. He added that the spirit of the zoning ordinance is observed because one of the purposes of the R-4 zone is to provide higher density residential areas with their associated necessary public services and activities. Staff recommended approval of the variance to allow for a three-foot average side yard setback for parking, where a minimum of three feet would otherwise be required at all points.

Mr. Larsen inquired about the required parking stalls per unit. Mr. Huffman clarified that the property does have a parking reduction, due to its proximity to the bus stop, allowing for 1.3 stalls per

unit. He also explained the location of parking on the parcels. Mr. Larson asked if parking would be set back enough for bumpers to not hang over into the right-of-way when cars are parked within the zero-foot setback portion. Mr. Huffman confirmed that there is a high back curb and concrete parking bumpers would also be placed to prevent cars from impeding into the right-of-way.

A MOTION WAS MADE BY MS. NIX TO APPROVE THE VARIANCE TO ALLOW FOR AN AVERAGE SIDE YARD SETBACK OF 3' FOR PARKING, WHERE THE DEVELOPMENT CODE REQUIRES A MINIMUM OF 3' AT ALL POINTS, LOCATED AT 1117 COUNTRY HILLS DRIVE, 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. LARSEN AND PASSED UNANIMOUSLY, WITH ALL VOTING AYE.

New Business

As there was no additional business before the Board, **MR. LARSEN MOVED THE MEETING ADJOURN AT 5:13PM. MOTION WAS SECONDED BY MS. NIX, ALL VOTED AYE.**

Margae Martinson

Marqae Martinson (May 28, 2024 13:45 MDT)

**MARQAE MARTINSON
ADMINISTRATIVE ASSISTANT II**

Charles Casperson

Charles Casperson (Jun 1, 2024 07:11 MDT)

CHARLES CASPERSON, CHAIR

APPROVED: 5/22/2024
(DATE)

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