

1 BOARD OF ADJUSTMENT

2 American Fork City

3 June 12, 2024 O 6:00 PM

4 American Fork Public Works O 275 East 200 North O American Fork UT 84003

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6 Board Members Present: Mary Street, Scott Williamson, Bridgette Nelson, Reid Shelley

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8 City Staff Present: Dan Loveland, Chief Building Official
9 Melissa White, Development Project Coordinator

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11 Others present: Scott Dent, Applicant

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13 **BOARD OF ADJUSTMENT MEETING**

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15 1. **Call to Order**

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17 This meeting of the Board of Adjustment of American Fork City, having been properly noticed,
18 was called to order at 6:00 p.m.

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21 2. **Approve Minutes from 03.13.2019 and 12.14.2022.**

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23 Introductions were made by the Board and the meeting began.

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25 **MOTION:**

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27 **Bridgette Nelson motioned to approve the 003.13.2019 and 12.14.2022 minutes. Reid Shelley seconded the motion.**

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30 Aye -

31 Mary Street
32 Scott Williamson
33 Bridgette Nelson
34 Reid Shelley

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36 Motion passes.

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38 4. **Scheduled Items**

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40 **Board Discussion:**

41 Mr. Dent has submitted an application for a review and action on a request for a variance for a property
42 located at 45 North 300 West, American Fork, Utah 84003 which is in the R3-7500 zoning designation.
43 The home was built in early 1940 and the current city code calls for a requirement of a 75-foot frontage.
44 At one point, there was a single-family home on the property, and Mr. Dent is proposing to build a new
45 single-family home and is asking for a variance on the lot width. The lot square footage fits and exceeds
46 all of the appropriate dimensions for the minimum square footage.

47 Ms. Street questioned a note in the application that noted the applicant was shy of meeting the minimum
48 setback requirements and asked if it would be possible to shift the home to meet the setback requirements.
49 Mr. Dent noted that it would be possible to do so as the home has not yet been engineered.

Ms. Street asked for a reminder of the setbacks. Mr. Loveland said the side setbacks were a minimum of 8-foot and 10-foot on the sides, 30-foot in the front, and 25-foot in the rear except a garage without a dwelling space which can be as close as 6 feet. Mr. Dent's preliminary plan shows a living space and garage which calls for the need for a variance.

Mary Street feels the home's design looks like it will be a good addition to the area if it can be done in a way that meets the required setbacks.

Mr. Williamson asked if the preliminary plans had a basement and two stories, and Mr. Dent confirmed both.

Public Comment read to the Board:

Anonymous Comment #1:

"June 10, 2024 - I was recently informed of a request for variance at property address 45 North 300 West, American Fork, Utah 84003.

In reviewing the packet of information, and the notes about the property, I am primarily concerned about the violation of the side setbacks. The violation will adversely affect the surrounding homes.

"In all zones wherein one-family dwelling are listed as a permitted use, a one-family dwelling may be constructed on any lot or parcel of land...subject to a determination by the zoning administrator that the lot complies with all of the following:... All setbacks, height, access, building size, utility and special provision requirements of the existing zone and all applicable supplementary regulations can be met."

As there is a side setback requirement of eight feet and the site plan shows plans for six feet side setbacks, I believe that before granting the request for a frontage variance, this issue needs to be addressed in conjunction with the frontage variance request. As the site plans currently sit, I think that the variance should be denied or tabled until the side setback requirements have been met."

Anonymous Comment #2:

"Mr. Loveland received a phone call on 6/10/24 from a neighbor about the property at 45 North 300 West. Their concern was the number of stories. They feel it should be the same single level as what it was to fit in the neighborhood. They also had concerns about the home being rented to multiple families and not being occupied by the person asking for the variance. They mentioned concern about the rear load garage and lastly the side set back not meeting code minimum. They said they would like to see a home there but a single story like what was there before. This person said they wanted to remain anonymous."

Mr. Dent addressed the backloading garage by stating that he felt it was safer due to traffic at 300 West and it seemed to make more sense on the narrow lot. He stated that they would still be meeting the standards of American Fork City by making the home two stories. Ms. Street agreed that if they met code, there should be no issues as the Board has no bearing on whether the home is one or two stories or has a backloading garage.

Mr. Shelley stated he had been out to the address and did not feel that the plan warranted any concerns regarding the frontage.

Ms. Street noted that the accessory dwelling was not an issue the Board would be weighing in on in this meeting as the issue would be addressed by other city ordinances. She said the Board's only point would be

whether to grant the variance for the narrower width of the lot, and if so, ensuring that the minimum setback requirements are met as noted in Mr. Loveland's staff report.

Ms. Nelson stated her thoughts that the backloading garage was a good option due to the narrowness of the lot as it would reduce congestion in the area. She feels the plan will be a positive update for the area if it meets the required minimum setbacks.

Mr. Shelley questioned how close the proposed plans are to the previous footprint. Mr. Dent estimated the previous footprint to be 800 square feet with one or two additions over time and the previous home did not have a garage.

Ms. Street questioned if there were any requirements in the city ordinances that outlined if a home is torn down on a nonconforming lot that the new home must be built to the exact same size. Mr. Loveland stated he had done research on this aspect and there were no ordinances that stated such and that Mr. Dent's plans did not need to meet the same footprint. He noted the Findings of Fact in the staff report that provided the code allowance for the possible variance to be granted.

Mr. Williamson asked if Mr. Dent could shift the home to meet the minimum setback requirements. Mr. Dent confirmed that possibility. The Board held a brief discussion with Mr. Dent outlining possible options as shifting the home a few feet would satisfy the minimum setback requirements.

Mr. Loveland reiterated that if the variance request were to be approved by the Board, the minimum setback requirements would have to be met. Ms. Street added the note that all four side setbacks must be met and referenced the Findings of Fact in the staff report.

MOTION:

Scott Williamson moved to grant a variance for a property located at 45 North 300 West, American Fork, Utah 84003 provided that all of the setback requirements are met on all four sides of the property.

Seconded by Reid Shelley.

Aye -

Mary Street
Scott Williamson
Bridgette Nelson
Reid Shelley

The motion passed.

2. Other Business

None

5. Adjourn.

A motion was made to adjourn by Mary Street. It was unanimously approved. The meeting was adjourned at 6:19 p.m.

151 Melissa White
152 Development Project Coordinator

Approved