

BOARD OF ADJUSTMENT

American Fork City

June 12, 2024 ○ 6:00 PM

American Fork Public Works ○ 275 East 200 North ○ American Fork UT 84003

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

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

Others present: Scott Dent, Applicant

BOARD OF ADJUSTMENT MEETING

1. Call to Order

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

2. Approve Minutes from 03.13.2019 and 12.14.2022.

Introductions were made by the Board and the meeting began.

Introductions were made by the Board and the meeting began.

MOTION:

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

Aye -

Mary Street
Scott Williamson
Bridgette Nelson
Reid Shelley

Motion passes.

4. Scheduled Items

Board Discussion:

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

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

50 Ms. Street asked for a reminder of the setbacks. Mr. Loveland said the side setbacks were a minimum of
51 8-foot and 10-foot on the sides, 30-foot in the front, and 25-foot in the rear except a garage without a
52 dwelling space which can be as close as 6 feet. Mr. Dent's preliminary plan shows a living space and
53 garage which calls for the need for a variance.

54 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
55 way that meets the required setbacks.

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

58 **Public Comment read to the Board:**

59 **Anonymous Comment #1:**

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

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

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

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

76 **Anonymous Comment #2:**

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

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

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

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

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

101
102 Ms. Nelson stated her thoughts that the backloading garage was a good option due to the narrowness of the
103 lot as it would reduce congestion in the area. She feels the plan will be a positive update for the area if it
104 meets the required minimum setbacks.

105
106 Mr. Shelley questioned how close the proposed plans are to the previous footprint. Mr. Dent estimated the
107 previous footprint to be 800 square feet with one or two additions over time and the previous home did not
108 have a garage.

109
110 Ms. Street questioned if there were any requirements in the city ordinances that outlined if a home is torn
111 down on a nonconforming lot that the new home must be built to the exact same size. Mr. Loveland
112 stated he had done research on this aspect and there were no ordinances that stated such and that Mr.
113 Dent's plans did not need to meet the same footprint. He noted the Findings of Fact in the staff report that
114 provided the code allowance for the possible variance to be granted.

115
116 Mr. Williamson asked if Mr. Dent could shift the home to meet the minimum setback requirements. Mr.
117 Dent confirmed that possibility. The Board held a brief discussion with Mr. Dent outlining possible
118 options as shifting the home a few feet would satisfy the minimum setback requirements.

119
120 Mr. Loveland reiterated that if the variance request were to be approved by the Board, the minimum
121 setback requirements would have to be met. Ms. Street added the note that all four side setbacks must be
122 met and referenced the Findings of Fact in the staff report.

123
124 MOTION:

125
126 **Scott Williamson moved to grant a variance for a property located at 45 North 300 West, American
127 Fork, Utah 84003 provided that all of the setback requirements are met on all four sides of the
128 property.**

129
130 **Seconded by Reid Shelley.**

131
132 Aye -

133
134 Mary Street
135 Scott Williamson
136 Bridgette Nelson
137 Reid Shelley

138
139 The motion passed.

140
141 2. Other Business

142
143 None

144
145
146 5. Adjourn.

147
148 **A motion was made to adjourn by Mary Street. It was unanimously approved. The meeting was
149 adjourned at 6:19 p.m.**

150

151 Melissa White
152 Development Project Coordinator

Approved