

1 BOARD OF ADJUSTMENT
2 American Fork City
3 December 14, 2022 • 6:00 PM
4 American Fork Public Works • 275 East 200 North • American Fork UT 84003
5

6 Board Members Present: Michael Privett, Scott Williamson, Mary Street, Bridgette Nelson, Reid Shelley
7

8 City Staff Present: Dan Loveland, Chief Building Official
9 Melissa White, Public Works Administrative Assistant
10

11 Others present: Jaime Ostler, Applicant
12

13 BOARD OF ADJUSTMENT MEETING
14

15 1. Call to Order
16

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.
19
20

21 2. Approve Minutes from 09.14.2022 and 03.13.2019.
22

23 MOTION:
24

25 **Scott Williamson motioned to approve the 09.14.2022 minutes. Mary Street seconded the motion.**
26

27 Aye - Michael Privett
28 Scott Williamson
29 Mary Street
30 Bridgette Nelson
31 Reid Shelley
32

33 Motion passes.
34

35 Michael.Privett requested to approve the 03.13.2019 meeting minutes at the next meeting to give the board
36 members more time to review the minutes.
37

38 Aye - Michael Privett
39 Scott Williamson
40 Mary Street
41 Bridgette Nelson
42 Reid Shelley
43

44 Motion passes
45

46 3. Vote for the New Chairperson
47

48 Scott Williamson motioned to appoint Mary Street as the Chairperson. Mike Privett seconded the motion.
49

50 Aye - Michael Privett
51 Scott Williamson
52 Mary Street
Bridgette Nelson

Reid Shelley

Motion passes.

4. Scheduled Items

Jaime Ostler has submitted an application for a review and action on a request for a variance on a proposed nonconforming lot of record for a property at 235 West Pacific Drive.

Applicant Presentation:

Dan Loveland stated that Ms. Ostler was requesting a variance on her property for a two-family dwelling.

Ms. Ostler: I would like to do a duplex. It's zoned R4-7500 which is a nonconforming lot of record, so I changed it to a conforming lot of record so I could actually do something it. In 2014 I got divorced and it was part of the divorce agreement along with the 4-plex. I want to be able to do something with it that it's zoned for.

Dan Loveland: There was a variance granted in 2014 for a single-family dwelling. *Ms. Ostler confirmed. * For all the Board members, there was a highlighted section in the staff report that noted that this is a nonconforming lot of record which dictates what the Board of Adjustment can or cannot do. If you go to section B in the notes it states, "The Board of Adjustment shall not have the authority to approve a dwelling having two or more dwelling units on a parcel which does not fully comply with the requirements applicable thereto." In order for this to be a two-family dwelling as defined by our municipal code it has to meet all the requirements of the zone to be able to approve that.

Board Discussion:

Michael Privett: *Addresses Ms. Ostler. * This is what I understood from the packet. I'm sorry, our hands are kind of tied in this.

Jaime Ostler: Is this because it was a nonconforming lot of record?

Dan Loveland: Yes, and it still is.

Jaime Ostler: It was changed in 2014.

Dan Loveland: A variance was given for a single-family dwelling. It's still a nonconforming lot. That's why there was a variance granted for a single-family dwelling because they could rule on that as well. But for a two or more family dwelling, they can't. It must meet the requirements. That is in our municipal code.

Jaime Ostler: What will happen with the housing shortage? Will the code be changing? I know cities are starting to change zonings. I was talking with Dan Rojas, and he was showing me different floor plans that I can put on that lot. I'm curious if the zoning will change or if you are open to changing any of that. We need to be able to use our property. There's not enough homes for everybody that wants to live in Utah.

Dan Loveland: I haven't heard of any zone changes at this point. I know they're working on a code rewrite for the municipal code. Most of the rewrite is to cover things in the municipal code that are a gray area so it's easier to understand for everyone.

102 Jaime Ostler stated her disappointment.
103
104 Michael Privett: If you wanted to, your next option could be to solicit a zone change to the Planning
105 Commission for a multi-family type zone.
106
107 Mr. Privett and Ms. Ostler have a brief discussion on how to start the zone change process through the city.
108
109 Mary Street: The issue is it's a nonconforming lot. What makes it nonconforming? Is it the width as it's
110 only 60-feet wide?
111
112 Dan Loveland: Yes. The requirements for a two-family are a minimum of 12,000 square feet. 90-foot width
113 and 100-foot depth are the minimums.
114
115 The Board held a brief discussion about the size of Ms. Ostler's lot and the missing requirements to meet a
116 two-family dwelling.
117
118 Scott Williamson: There are a couple of criteria it misses; it doesn't have nearly enough frontage with 58
119 feet. There's not nearly enough square footage in it.
120
121 Jaime Ostler: What about [Mr. Privett's] idea of changing the zone? There is a 4-plex right next to it.
122
123 Mary Street: The zone also has minimum area and width requirements. To permit that is a matter of
124 changing not only the zoning designation but what the requirements in the zone are. That effect would be
125 city-wide, not just your location.
126
127 Scott Williamson: I do not think American Fork City has a zone that that lot will fit two homes on.
128
129 Jaime Ostler: That is probably not an option.
130
131 Mary Street: It is currently zoned for a single-family home. *Mr. Loveland confirmed. *
132
133 Jaime Ostler: It is, but I do not understand what the difference is. What if I put a basement in a regular
134 home? What is the difference between that and a duplex?
135
136 Scott Williamson: Those aren't always allowed, either. There are criteria they have to meet if you want to
137 do that.
138
139 Jaime Ostler: They told me the criteria in 2014. I want to know what the difference is between me having
140 a basement apartment in a home, versus [a duplex].
141
142 Scott Williamson: There are ordinances in place to protect you and the people living there. If they don't
143 conform, they don't conform. That means it wouldn't be allowed in that same place [a duplex] either.
144
145 Jaime Ostler: I already know what I can do with a single-family home; I can rent out the basement. It's
146 already been approved. *Mr. Loveland confirmed. * But what I'm saying is if I can live on the main level
147 and rent out my basement, what is the difference between having that and a duplex?
148
149 Scott Williamson: I don't think it meets the criteria for that either.
150
151 Jaime Ostler: It does.
152
153 Dan Loveland: A duplex is defined as a two-family dwelling. That is the issue. The city allows for people

to have an accessory apartment to help people out with that provision. In a stacked duplex you have two separate units. You have what's called a floor-ceiling assembly which is a fire-rated assembly that separates the main level from the basement level, and they do not communicate. Whereas an accessory apartment is basically a basement you can rent out. It has to communicate between levels.

Michael Privett: Typically it has to have access to the upstairs. That's really where the difference is.

Mary Street: Are there any changes in the lot width or lot size?

Dan Loveland: It's still defined as a two-family dwelling so it would still need to meet these criteria.

Jaime Ostler: When it came through in 2014, Dan Rojas said I could rent out my basement as long as I lived on the main level.

Dan Loveland: Yes, and that is defined as an accessory apartment. Yes, you can do that. There are some conditions that have to be met with an accessory apartment.

Jaime Ostler: What are those conditions?

Dan Loveland: There must be off-street parking, there are some addressing requirements.

Jaime Ostler: Off-street parking for both vehicles? *Mr. Loveland confirmed. *

Reid Shelley: A separate entry.

Dan Loveland: As an owner-occupied, you must make sure it communicates with the main level. You can't rent out the main level and the basement. We do have a handout for an accessory apartment out there.

Jaime Ostler: Thank you. This was my last shot.

Mary Street: The good news is that you still have something you can do with your property.

Jaime Ostler: Yes. Thank you for your time and consideration.

MOTION:

Scott Williamson moved to deny a variance for property located at 235 West Pacific Drive in the R4-7500 zone because it does not meet the criteria for city ordinances.

Seconded by Bridgette Nelson.

Aye - Michael Privett
 Scott Williamson
 Mary Street
 Bridgette Nelson
 Reid Shelley

The motion was denied.

2. Other Business

206
207 None

208
209
210 5. Adjourn.

211
212 A motion was made to adjourn by Mike Privett. Bridgette Nelson seconded the motion. It was
213 unanimously approved. The meeting was adjourned at 6:17p.m.

214
215
216 Melissa White
217 Public Works Administrative Assistant

Approved