

Minutes of the Regular Meeting of the Ogden City Board of Zoning Adjustment held on Wednesday, May 22, 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
Judy Elsley
Lance Evans

Members Excused: Mr. Larsen
Ms. Nix

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 April 24, 2024

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

Case #2024-4: Request for a variance to allow for a reduced side yard setback for the Midtown Village project at 1430 Washington Blvd.

Petitioners, Krisel Travis and Jon Thornley work for D.R. Horton Preston. The Midtown Village is a project currently under contract to purchase. D.R. Horton Preston gave an overview of the company, townhomes and affordable housing. They want to build 68 homes that are fully entitled, and our zoning allows for commercial and residential to be together. He went on to discuss the number of stories, the sq ft of each unit and the reason for the variance. Slide show presented to show requested changes.

Reasons for approval:

1. No negative impact on the general plan work to provide high quality housing which will attract people who want to live here long term.
2. 5' will be noticed in the living space and not in the landscape.
3. There is 90' distance between the neighboring buildings.
4. For very \$10.00 of an HOA fee, you disqualify a buyer by \$10k of power.
5. Plat has been recorded.

Board Member Elsley-Are these for sale or for rent?

Ms. Travis-They are for sale. And since they are under the \$450 cap that was passed by the legislature 1 ½ yrs ago, so they can qualify for Utah housing assistance and other government programs to get into these homes.

Mr. Rodriguez-this item is a request for a variance to allow for 25' setbacks for 3 buildings of a group dwelling development where the code previously required a minimum setback of 30'. The wording is required from a previous ordinance reviewed criteria 10-9a-702.

1. Literal enforcement of the land use ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the ordinance.
2. 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 property 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.

Continued discussion on the total number of units, the layout, the location and size of each unit.

Mr. Mobius-Whether the variance is approved or not, the height remains at three stories, everything remains the same except basically five ft.

Board Member Elsley-To clarify what Charlie is saying, if we deny the request, these 15 units will be slightly smaller than all the other units, correct?

Ms. Travis-Yes that's correct. Our buildings are three stories but they are under 35'.

Mr. Mobius-This project was approved under the old ordinance and any changes we're making, they're looking at it from the old ordinance, which is 30'.

Board Member Elsley -You've known this all along so why are you asking for the variance now?

Mr. Mobius-This project was approved in 2021 and has been a vacant lot for years.

Board Member Elsley -You were saying you could make those condos because you showed us the plan and you could make the 30' requirements.

Ms. Travis-It lends to accomplishing the goal of housing on the ground that's attainable and helps with the deficit the state is in and its interior space is usable privately.

Board Member Elsley -If we deny this and you have to build those 15 units with a smaller plan, would there be a financial gain for you? Are they less expensive because they are slightly smaller?

Mr. Thornley-More than likely not. They'll be lower price because they are just not as marketable.

Further discussion about the perspective of the size of the rooms, the need for additional sq. ft., and the city not wanting to set a precedent for others. The impact to the neighbors and the layout of landscaping, elevation and the floor plans.

Mr. Iverson-Owner of 18 unit townhouse apartments north and east of this property. This will be a nice change from other apartments and will be family oriented in addition to being affordable.

Board Member Evans-On the two proposed, how wide are those common areas between the buildings?

Ms. Travis-We'd have to look at the plat but generally 15', we didn't design the plat so I'm not sure exactly. We've tried to stay inside the platted footprint other than this variance and improvements are already in all of them.

Board Member Elsley -We are constrained by the five criteria and what really stands out is other applicants could ask for the same requirements/variances. She read through the five criteria.

A MOTION WAS MADE BY DR. ELSLEY TO DENY THE VARIANCE TO ALLOW FOR A REDUCED SIDE YARD SETBACK FOR THE MIDTOWN VILLAGE PROJECT AT 1430 WASHINGTON BLVD BASED ON THE FIVE CRITERIA OUTLINED BELOW:

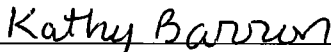
1. **Literal enforcement of the land use ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the ordinance.**
2. **Special circumstances attached to the property that do not generally apply to other properties in the same zone.**
3. **Granting the variance is essential to the enjoyment of a substantial property right possessed by other property 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.

THE 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. EVANS MOVED THE MEETING ADJOURN AT 5:24PM. MOTION WAS SECONDED BY DR ELSLEY, ALL VOTED AYE.


KATHY BARRON, PREPARER
ADMINISTRATIVE ASSISTANT I

APPROVED: September 25, 2024

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