

Minutes of the Regular Meeting of the Ogden City Board of Zoning Adjustment held on Wednesday, September 25, 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
Dr. Judy Elsley
Lance Evans

Members Excused: Stephanie Nix
Scott Larsen

Staff Present: Barton Brierley, Planning Manager
Damian Rodriguez, Planner
Kathy Barron, Administrative Assistant I
Katie Ellis, Assistant City Attorney

Others Present: Pedro G Tzunun

Approval of the Minutes, of the regular meetings held May 22, 2024 and August 28, 2024

A MOTION WAS MADE BY BOARD MEMBER EVANS TO APPROVE THE MINUTES OF THE REGULAR MEETINGS HELD MAY 22, 2024 AND AUGUST 28, 2024. MOTION WAS SECONDED BY BOARD MEMBER ELSLEY AND PASSED UNANIMOUSLY, WITH ALL VOTING AYE

Case #2024-6: Request for variance from the minimum rear yard setback for the Jen-1 Subdivision at 895 W Lake St.

Chair Casperson opened the meeting and invited the petitioner to come up and tell the board about his request.

Mr. Tzunun explained there are two lots and he is planning to build small homes on with three bedrooms, a living room and two baths. He can't go any further to the east due to the power line. If the size of the houses is reduced, the living room will be tiny and end up in the kitchen. He is asking for a 2.5' variance in the back. Then there will be enough space under the power line for a green area.

Mr. Rodriguez from the Planning Department gave a report on this request. He stated there are five criteria that shall be met for the approval of a variance as outlined in his presentation. An exception for the lot depth, which is approximately 77', was granted by the mayor in 2022 to subdivide this property to amend the subdivision. The petitioner requested the board grant a variance in the application of the development code to allow for a 12.5' rear-yard setback where the code would otherwise require a minimum rear-yard setback of 15' in the zone. He continued with the details of his report regarding the plans to build, lot size and orientation of the homes.

Staff Recommends the Board approve the request for a variance in the application of the development code to allow for a 12.5' rear-yard setback where the code would otherwise require a minimum rear-yard setback of 15' in the zone.

Dr. Elsley inquired about the need to know and/or approve anything from Rocky Mountain Power prior to deciding.

Mr. Rodriguez answered since Rocky Mountain Power provides us their setback standards and their analysis of the case, we will not be routing it out to them for review.

Dr. Elsley inquired about Rocky Mountain Power's involvement in this case.

Mr. Rodriguez responded to let the board know he has been given word from the petitioner the foot setback was required by Rocky Mountain Power. They have reviewed the conceptual site plan given to you today.

Dr. Elsley is not sure if Rocky Mountain Power has precedence in this case.

Mr. Rodriguez shared if they have additional standard needing to be met beyond ours for community health, safety and welfare, they will have precedence and if the petitioner has not obtained their approval prior to us issuing building permits it could cause a problem for them in the future, they could be issued a stop work order and made to rectify that situation.

Dr. Elsley requested if the petitioner knows, understands and has informed Rocky Mountain Power.

Mr. Rodriguez thinks it best if the petitioner responds to that himself.

Dr. Elsley emphasized that those regulations are in place for safety reasons and questioned any possible safety issues with 10' on either side and for the new homeowners in the house.

Mr. Rodriguez indicated the minimum standard he saw is 30 meters for about 100'. This would be the 10' setback from the power lines. In addition, the properties north across the street from Lake and south across the street from 26th have zero setback from the same power lines which run north and south.

Discussion regarding the eve overhand allowance, building codes for setbacks and different structures.

Dr. Elsley requested the petitioner respond to the question about Rocky Mountain Power

Mr. Tzunun said per his discussion with Rocky Mountain Power was the minimum setback is 10'. Each line is different and has different voltage. They will remove the wires on the ground but not the post because there is an easement for it. We are at 15' setback and the required setback is 10'. We are going smaller on our side but not any closer than what we have been told we can. He further discussed his plans and where the garage will be located. He is a resident of Ogden and loves it here. He wants to make it better not just to make money.

A MOTION WAS MADE BY BOARD MEMBER ELSLEY TO APPROVE THE REQUEST FOR VARIANCE AT 895 W LAKE ST. MOTION WAS SECONDED BY BOARD MEMBER EVANS AND PASSED UNANIMOUSLY, BY ROLE CALL VOTE; BOARD MEMBER ELSLEY, BOARD MEMBER EVANS AND CHAIR CASPERSON, WITH ALL VOTING AYE.

New Business

As there was no additional business before the Board, **BOARD MEMBER ELSLEY MOVED THE MEETING ADJOURN AT 4:56PM. MOTION WAS SECONDED BY BOARD MEMBER LARSEN, ALL VOTED AYE.**



KATHY BARRON
ADMINISTRATIVE ASSISTANT I

APPROVED: October 23, 2024
(DATE)

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