

Minutes of the Regular Meeting of the Ogden City Board of Zoning Adjustment held on Wednesday, January 22, 2025, at 4:30pm, in the Council Chambers and via electronic means on the third floor of the Municipal Building, 2549 Washington Blvd, Ogden City, Weber County, Utah.

Members Present: Charles Casperson, Chair
Lance Evans
Stephanie Nix

Members Excused: Scott Larsen
Judy Elsley

Staff Present: Joseph Simpson, Assistant Planning Director
Damian Rodriguez, Planner
Kathy Barron, Administrative Assistant I
Katie Ellis, Assistant Attorney

Others Present: Brad Friel
Sam Knopp (via zoom)
Rebecca Higgs
Nic Porter

1. Approval of the Minutes, of the regular meetings held October 23, 2024

BOARD MEMBER EVANS MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD OCTOBER 23, 2024. MOTION WAS SECONDED BY BOARD MEMBER NIX AND PASSED UNANIMOUSLY, WITH ALL VOTING AYE

2. Case #2024-8: Request for lot width variance at 186 N Harrison Blvd

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

Mr. Nic Porter addressed questions from the board.

Chair Casperson inquired if anyone on zoom or in the audience had any questions about this request.

Board Member Evans questioned how long it had been since the apartments were there.

Mr. Porter responded; the apartments were torn down last summer so they've been gone less than a year.

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 as well as the possible board actions and staff recommendations.

Staff Recommends the Board approve the requested variance based on the findings specified in Section VI (Analysis) of this report.

Board Member Nix asked to look at the plot view one more time. She wanted to know where the 30' is that is being look at.

Mr. Porter replied it's going to be on the left side/street side.

Board Member Nix indicated each lot is being split in half which will be smaller than the 30'. After looking at the county plat she realized it would be 27' and 20'.

Mr. Rodriguez pointed out together the lots will have 60' total width. They will be splitting what is already existing right down the center for 30' and 30'.

Mr. Simpson mentioned there were people on zoom and if they wish to comment, we want to give them time for that. There are three individuals but no hands raised and now one.

Sam Knopp introduced himself and wanted to speak about 589 12th St which is coming up next.

Board Member Nix clarified the reason for the variance is to enable them to apply for a subdivision and received confirmation on that from Mr. Rodriguez.

Chair Casperson asked if anyone in the audience would like to speak or had questions. No one spoke up.

Board Member Nix indicated this could be a larger, single lot too.

BOARD MEMBER EVANS MOVED THE LITERAL ENFORCEMENT LAND USE ORDINANCE WOULD CAUSE AN UNREASONABLE HARDSHIP, THAT THERE ARE SPECIAL CIRCUMSTANCES ATTACHED TO THE PROPERTY, THAT THE GRANTING OF THE VARIANCE IS ESSENTIAL TO THE ENJOYMENT OF THE SUBSTANTIAL PROPERTY RIGHT POSSESSED BY OTHER PROPERTY IN THE SAME ZONE, THAT THE VARIANCE WILL NOT SUBSTANTIALLY AFFECT THE GENERAL PLAN OR CONTRARY TO THE PUBLIC INTEREST AND THAT THE SPIRIT OF THE ZONING ORDINANCE IS OBSERVED AND SUBSTANTIAL JUSTICE IS DONE FOR THE REASONS STATED IN THE STAFF REPORT. BOARD MEMBER NIX SECONDED, AND THE MOTION PASSED UNANIMOUSLY, BY ROLL CALL VOTE; BOARD MEMBER EVANS, BOARD MEMBER NIX AND CHAIR CASPERSON, WITH ALL VOTING AYE.

3. Case #2024-9: Request for lot width variance at 589 12th St

Chair Casperson invited the petitioner to speak about his request for a variance and let the Board know what he is requesting and what he is doing.

Mr. Sam Knopp said he is requesting a variance deeper than it is. He had a surveyor look into it and it turns out it was two lots in the early 2000's and it somehow got merged. He's wanting to reinstate that old split so he can build two single family homes instead of one. He is leaving the existing house there and building a new one on the new lot.

Mr. Rodriguez from the Planning Department gave a report on this request. He began his presentation by stating there are a lot of similarities between this request and the last one. He went on to show the similarities. He also stated there are five criteria that shall be met for the approval of a variance as outlined in his presentation as well as the possible board actions and staff recommendations.

Staff Recommends the Board approve the request for variance based on the findings specified in Section VI (Analysis) of this report.

BOARD MEMBER NIX MOVED TO APPROVE THE REQUEST TO REDUCE THE LOT WIDTH FROM 65' TO 31', OR 49 AND A HALF OR HALF BASED ON THE FINDINGS OF STAFF, THAT 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. THERE ARE SPECIAL CIRCUMSTANCES ATTACHED TO THE PROPERTY THAT DO NOT GENERALLY APPLY TO OTHER PROPERTIES IN THE SAME ZONE. GRANTING THE VARIANCE IS ESSENTIAL TO THE ENJOYMENT OF A SUBSTANTIAL PROPERTY RIGHT POSSESSED BY OTHER PROPERTY IN THE SAME ZONE. THE VARIANCE WILL NOT SUBSTANTIALLY AFFECT THE GENERAL PLAN AND WILL NOT BE CONTRARY TO THE PUBLIC INTEREST. AND THE SPIRIT OF THE ZONING ORDINANCE IS OBSERVED AND SUBSTANTIAL JUSTICE IS DONE. BOARD MEMBER EVANS

SECONDED, AND THE MOTION PASSED UNANIMOUSLY, BY ROLL CALL VOTE; BOARD MEMBER EVANS, BOARD MEMBER NIX AND CHAIR CASPERSON, WITH ALL VOTING AYE.

4. Case #2025-1: Request for variance from minimum setback standards at 333 Childs Ave #C5

Chair Casperson invited the applicant to come up, state her name and tell the board about her request for a variance.

Ms. Rebecca Higgs represents Big Horn Mobile Home Park and the variance requested for the trailers, those five spaces to be approved.

Board Member Evans asked why she is requesting a variance.

Ms. Higgs pointed out the mobile home park had been built 50+ years ago and is wanting to update the homes as they outlive their lifespan. The current requirement or setbacks are small and we would like to improve them to invite a better/different tenancy into the mobile home park.

Mr. Rodriguez from the Planning Department gave a report on this request. He expressed this variance covers the perimeter of the park and its setbacks. He continued with the required setbacks per the ordinance, the Board's basis for action, the possible board actions and staff recommendations.

Staff recommend the board approve the requested variance for a perimeter setback of seven feet for the mobile home spaces C5-C9 of the Big Horn Mobile Park at 333 Childs Ave where the zoning ordinance requires a minimum setback of 20'.

Chair Casperson inquired about how the parking would be affected.

Mr. Rodriguez stated the existing parking wouldn't be affected by granting approval for this variance.

Board Member Evans asked why isn't this just a non-conforming.

Mr. Rodriguez confirmed right now it is a non-complying structure as it is referred to in our code. He detailed the difference between non-conforming and non-complying in the City's code.

Board Member Evans clarified this could not be looked at as non-conforming use for the manufactured home community that doesn't meet the existing standard at 20'.

Mr. Rodriguez replied this is correct and is why the mobile home park would replace like for like. Without that it would be just a simple building permit approval at that point. A problem arose and we could not find a like for like manufactured home.

Board Member Evans responded with why not just amend the code? If we're going to follow the code, then we're going to give a variance on five units.

Further discussion regarding the City's work being done on the plan update and the zone update.

BOARD MEMBER NIX MOVED THE LITERAL ENFORCEMENT LAND USE ORDINANCE WOULD CAUSE AN UNREASONABLE HARDSHIP THAT'S NOT NECESSARY TO CARRY OUT THE GENERAL PURPOSE OF THE ORDINANCE. THAT THERE ARE SPECIAL CIRCUMSTANCES ATTACHED TO THE PROPERTY THAT DO NOT GENERALLY APPLY TO OTHER PROPERTIES IN THE SAME ZONE. GRANTING THE VARIANCE IS ESSENTIAL TO THE ENJOYMENT OF A SUBSTANTIAL PROPERTY RIGHT POSSESSED BY OTHER PROPERTY IN THE SAME ZONE. THE VARIANCE WILL NOT SUBSTANTIALLY AFFECT THE GENERAL PLAN AND WILL NOT BE CONTRARY TO THE PUBLIC INTEREST. THE SPIRIT OF THE ZONING ORDINANCE IS OBSERVED AND SUBSTANTIAL JUSTICE IS DONE. BOARD MEMBER EVANS SECONDED, AND THE MOTION PASSED UNANIMOUSLY, BY ROLL CALL VOTE; BOARD MEMBER EVANS, BOARD MEMBER NIX AND CHAIR CASPERSON, WITH ALL VOTING AYE.

New Business

As there was no additional business before the Board, **BOARD MEMBER EVANS MOVED THE MEETING ADJOURN AT 5:45PM. ALL VOTED AYE.**

Kathy Barron
KATHY BARRON
ADMINISTRATIVE ASSISTANT I

APPROVED: 02/26/2025
(DATE)