



Application to Appear Before the Board of Adjustment

Please return the complete application To:

**City Recorder
City of Cedar Hills
10246 N Canyon Road
Cedar Hills UT 84062
801-785-9668**

The Board of Adjustment is a quasi-judicial body appointed for the benefit of residents in hearing requests to vary zoning and building ordinances set by the City of Cedar Hills. The Board of Adjustment meets as needed in the City Office. This is a public meeting and will be conducted as such, following proper procedure. Public Notice must be published in the local newspaper one week in advance of the meeting. Any applicants requesting a meeting must have their completed application, including eight (8) copies of all relative maps and plot plans (drawn to scale), in the office of the City Recorder no later than one week prior to the meeting date. All applicants must be present at the hearing in order for action on their request to be taken.

An application will not be considered unless completed in full and the fee paid. All applicable information is needed for review by board members. If you have any questions, please contact City Recorder Colleen Mulvey, at the City Office at 785-9668, ext. 503.

**CITY OF CEDAR HILLS
BOARD OF ADJUSTMENT APPLICATION**

Date: 10/01/14 Name: Ben & Kurstin Oyler Phone: 435.760.9598

Mailing Address: 9138 Renaissance Dr. Cedar Hills, Utah 84062

Location of property covered by appeal: W 9220 North (between the Johnson and Stephens)

Zoning District: _____ Tax I.D. No.: _____

I (we) hereby apply to the Board of Adjustment of the City of Cedar Hills, Utah, for the following: (Check the provision that describes the type of request.)

- 1. An error by the Zoning Administrator in the enforcement of the Zoning Regulation.
- 2. An interpretation of the Zoning Ordinance text or zone boundary lines.
- 3. A variance in the requirements relating to front, side or rear yards, or size of lot or building. (You must show a property-related hardship.)

SUMMARY OF REQUEST (Please be very specific.)

We are asking the Board to grant a variance to allow the Stephen's to sell me approximately 1/6th acre on the side
of their property to be combined with the Johnson's approximately 1/6th acre remnant lot to create a new 1/3 acre
Lot. The two changes will be that the Stephen's lot will go from a half acre to a 1/3 acre and the new lot will also be
a 1/3 acre lot. see attached docs for more visual description of the request.

EXPLANATION AND SUPPORTING DOCUMENTATION

State the facts fully. Use additional sheets if necessary and attach a plot plan where



CEDAR HILLS

appropriate, showing the location of existing and proposed buildings on the lot and buildings on adjacent lots.

We feel this is good for the city as the property is currently not in use and this would add

a new home to the city. The Johnson and Sadler lots are currently 1/3 acre lots now, this

would create equal lots sizes for the street. Attached is a plot plan and the current and proposed

changes. Attached is a full description of the proposal

Adjoining Neighbors (Names and Mailing Addresses):

Johnsons- 3649 W 9220 N Cedar Hills, UT 84062

Stephen's- 3619 W 9220 N Cedar Hills, Ut 84062

FOR OFFICIAL USE

Date Received 10-20-14 By [Signature] Title _____

Fee Paid \$100.00 (\$100) Check # _____ Cash

Proposed New Property

On

9220 North, Cedar Hills

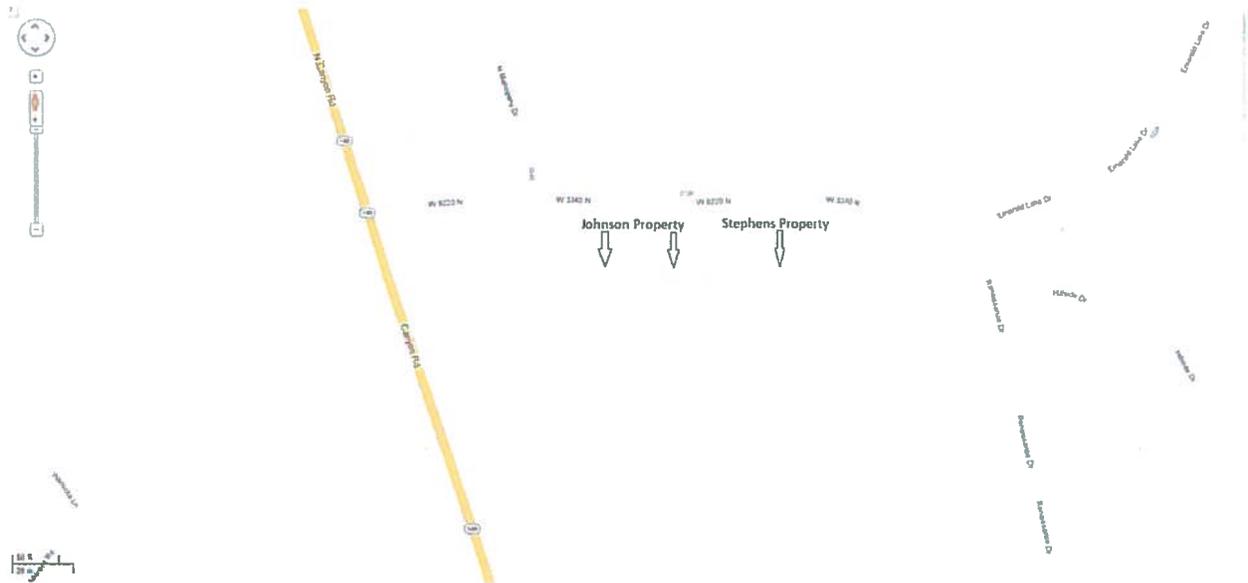
Prepared By Ben Oyler

October 2012

Revised October 2014

This proposal will outline the current property boundaries and proposal to create a new property using parts of two current lots. We are asking the city for permission to split the Stephens lot into two lots. After that split we are asking that we may be able to buy and combine the current Johnson lot and the new divided Stephens lot creating a new lot for a single family home.

Current Property



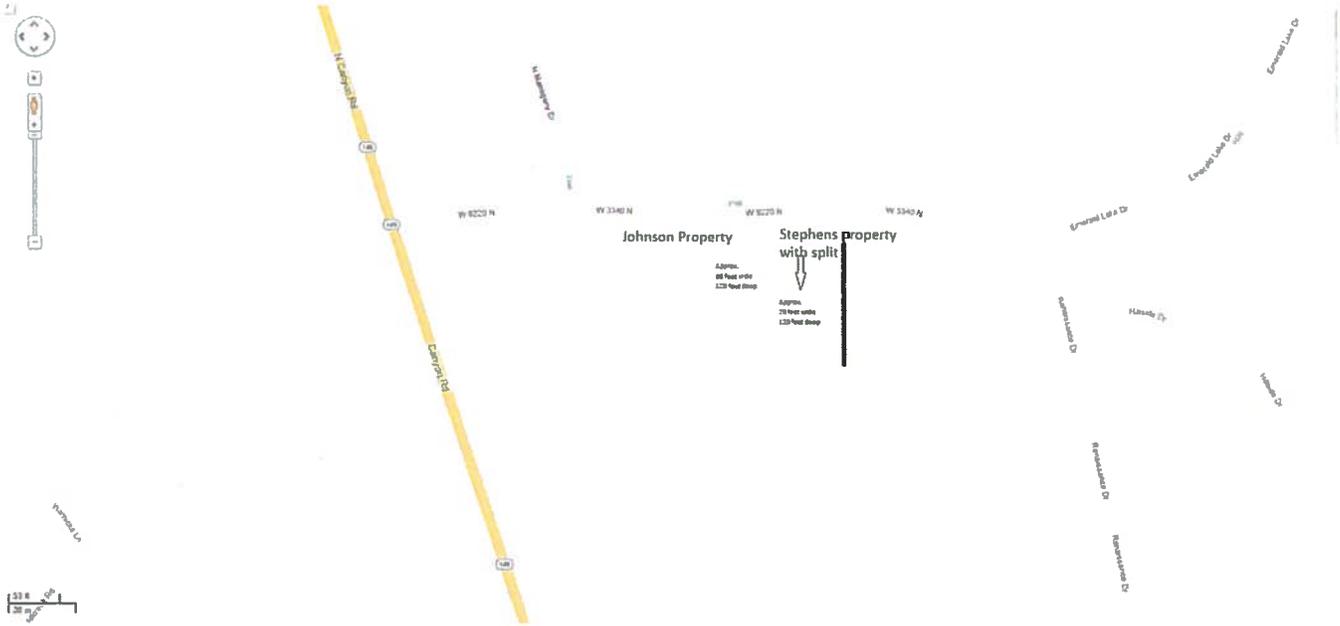
Above is the map view that you can see the current lots for the Johnsons and the Stephens. Below is the Satellite view to better see the two properties.

Points to note

- Johnson property is currently divided into two lots
- Stephens property is not currently divided



Stephens Land Split

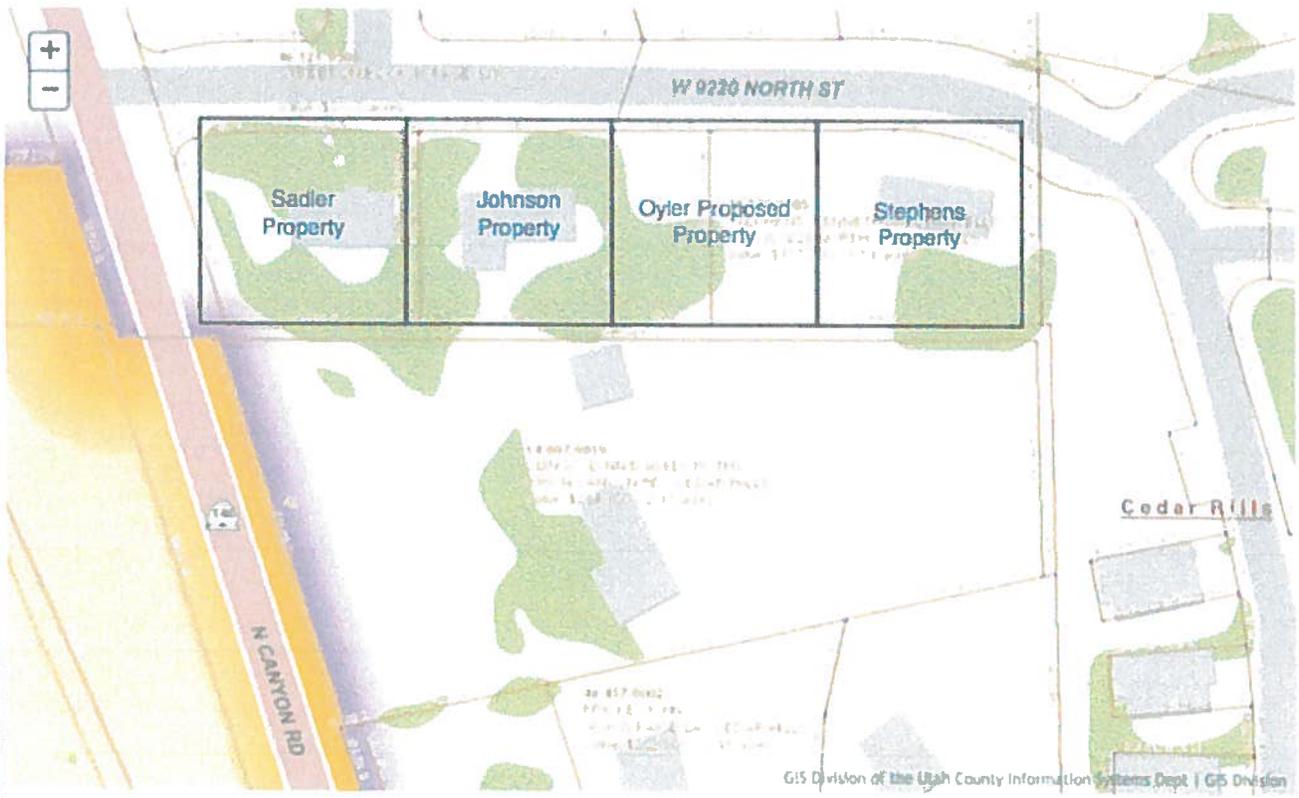
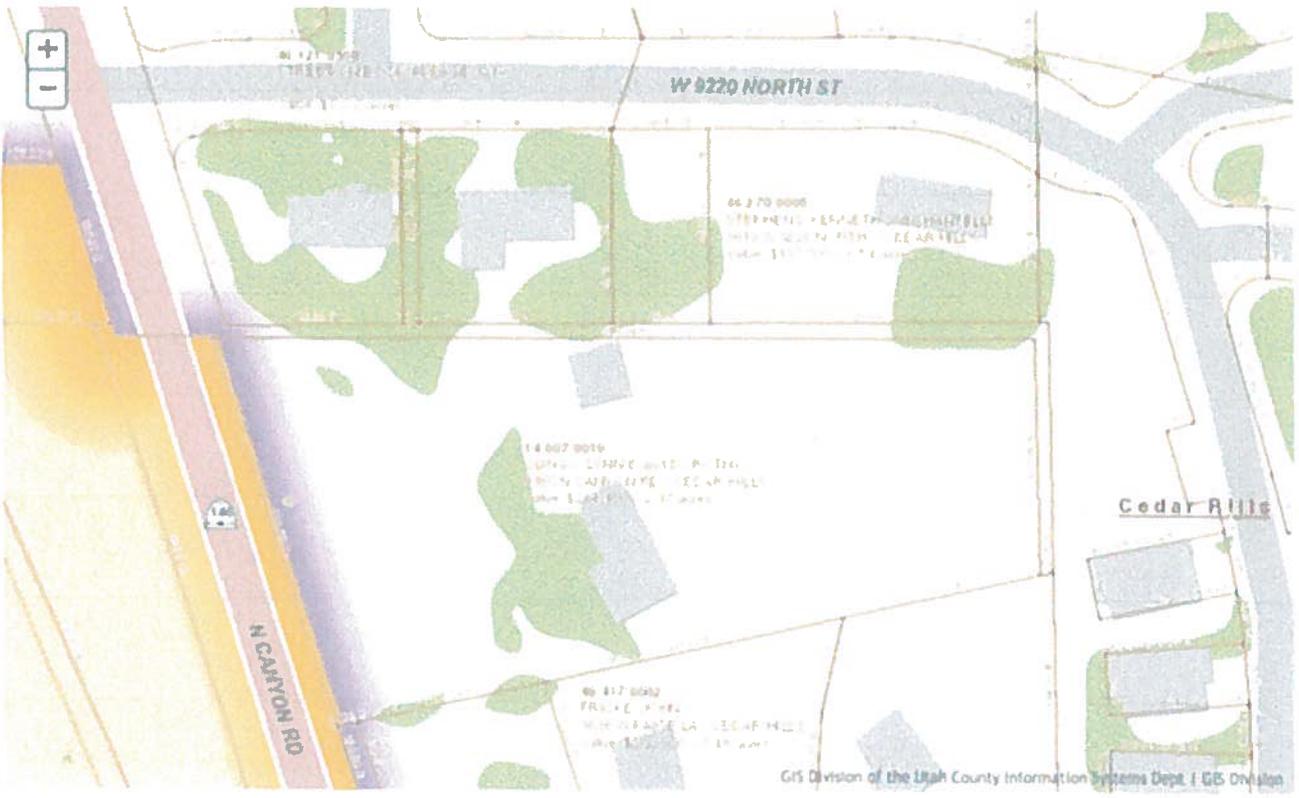


Above is the map view of the proposed Stephens land split creating a second lot. Also included is an approximate size of the two lots. The current Johnson second lot and the new Stephens proposed lot. Below is a satellite view that helps to see where Stephens will split their property to create this second lot.

Points to note

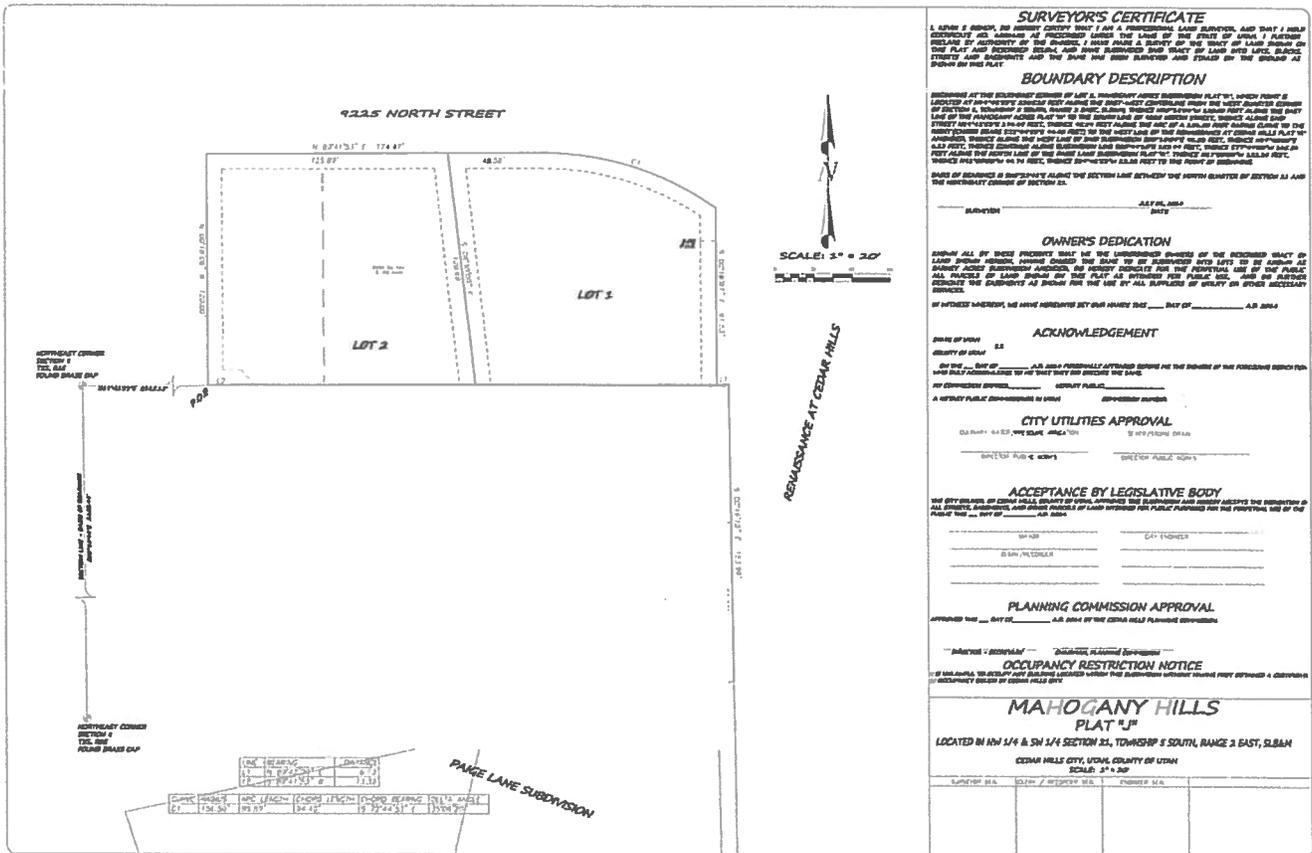
- Johnsons property is approximately 60 feet wide and 120 feet deep
- The New proposed second lot of the Stephens is approximately 70 feet wide and 120 feet deep
- The new lot would start somewhere close to the rock in the Stephens front yard and travel to the far back post of their current fence







We would like approval for this change and we would go back to the survey company and have them redraw the plot plan to look more like the image below.



As an addition we wanted to address the questions found on the application

1. Would granting the variance change the intended use of the property?
 - a. The intended use today is single family residential and this variance would not change that
2. Are there special circumstances ATTACHED TO THE PROPERTY that do not generally apply to other properties in the same district?
 - a. The Johnson property is already a remnant lot and the Stephen's lot is not in use and cant really be used in a useful way. Allowing to have a home here would improve the street as well as the city. The other two homes properties are already 1/3 acre lots.
3. Do those circumstances in (2) cause an unreasonable hardship on the applicant, denying use of the property, that others in the same district enjoy or that he/she has a right to expect?
 - a. As stated above the Johnsons and Sadler's lots are already 1/3 acre lots. We are only asking to match that lot size for our proposed property.
4. Is the variance essential to a substantial property right?
 - a. The Johnson's wish to sell the remnant piece of land and can not if not for this purpose and variance .

5. Will granting the variance substantially affect the goals of the general plan or be contrary to the public interest?
 - a. This variance does just the opposite. It would be in the public's interest. The lots now are not useful and are becoming overrun. Allowing us to build a home on this land would improve the intended use of the goals and general plan

6. Is the "spirit" of the zoning ordinance observed and is the Board being fair to all involved?
 - a. This will have to be left to the board but we feel that the spirit is still in force and we are going to add to the community. This will create 4 equal lots on this street where today they are not.

**CITY OF CEDAR HILLS BOARD OF ADJUSTMENT
VARIANCE WORKSHEET**

In order to grant a variance, ALL CONDITIONS MUST BE MET. In order to deny a variance, you only need to be lacking on ONE condition.

- (1) Would granting the variance change the intended use of the property?

The answer must be NO.

Explanation: A variance may never change the use of the given zoning. Such a change can only be accomplished through an amendment to the zoning ordinance. For example, a Board of Adjustment cannot grant a variance to: Allow a commercial use in a residential zone; allow an apartment in a single-family zone; provide for any use that does not appear as a permitted use for the zone.

Findings
of
Fact

- (2) Are there special circumstances ATTACHED TO THE PROPERTY that do not generally apply to other properties in the same district?

The answer must be YES.

Explanation: There must be something ABOUT THE PROPERTY that is unusual. That may include a geographic feature such as a steep slope, or a stream. There may be a legal right-of-way, or an approved platted lot that is irregularly shaped, or be a legally non-conforming lot that no longer meets minimum requirements.

Findings
of
Fact

- (3) Do those circumstances in (2) cause an unreasonable hardship on the applicant, denying use of the property, that others in the same district enjoy or that he/she has a right to expect?

The answer must be YES.

Explanation: By definition, a hardship may not be economical, esthetic, or self-imposed. In other words, it cannot be a hardship if it will merely add value, look better, or be more convenient. In addition, if the hardship was created by the applicant, it cannot be considered a legal hardship. An example would be "I have a hardship because I would have to tear down the garage..." Such is not a hardship because the applicant apparently built the garage illegally, and has therefore created the hardship.

Findings
of
Fact

- (4) Is the variance essential to a substantial property right?

The answer must be YES.

Explanation: If the applicant can accomplish his/her needs without a variance, you may not grant a variance. The most difficult part of this requirement is defining the term "substantial." What may be a substantial right in one neighborhood may not be in another. Find out what one is "expected" to have in this neighborhood. Ask: "How necessary is this specific request to the enjoyment of the property?" The expansion of a little old house for a laundry room may be a more substantial right than the addition of a playroom or an extra bedroom. This is one where you will be expected to use good and fair judgement.

Findings
of
Fact

- (5) Will granting the variance substantially affect the goals of the general plan or be contrary to the public interest?

The answer must be NO.

Explanation: Again, you must define what constitutes a substantial affect. Rule of thumb is: If others will say, "Who the heck let them do that?" There is probably a negative substantial affect and the variance should not be granted. Likewise, if granting the variance will negatively impact the neighbor's property values, the variance should be denied.

Findings
of
Fact

- (6) Is the "spirit" of the zoning ordinance observed and is the Board being fair to all involved?

The answer must be YES.

Explanation: Like the previous two questions, this requires good judgement on the part of the Board. In addition, it requires that the Board understand the intent and spirit of the zoning ordinance. If the variance would allow a major violation of the intent of the ordinance, differ from the character of the underlying zoning, or appear to be out of place, the variance should not be granted.

Findings
of
Fact
