

CITY OF NORTH SALT LAKE
LAND USE APPEAL AUTHORITY
CITY HALL-10 EAST CENTER STREET, NORTH SALT LAKE
MAY 20, 2026

FINAL

Glenn Bronson called the meeting to order at 5:00 p.m.

STAFF PRESENT: Sherrie Pace, Community Development Director; Glenn Bronson, Appeal Authority/Hearing Officer; Mackenzie Johnson, Planner; Amber Simmons, Code Enforcement Specialist.

OTHERS PRESENT: Fawad Tanvir, property owner, Bryce Moulton, architect; John Mullen, Dee Lalliss, Paul Barron, Jennyfer Chapman, Kurt Davis, TJ Chapman, residents.

1. CONSIDERATION OF A VARIANCE REQUEST AT 382 SOUTH LOFTY LANE
RELATED TO FLAG LOT STANDARDS FOR MINIMUM DRIVEWAY WIDTH
(CODE SECTION: 13-8-4)

Glenn Bronson clarified that in the process of a variance request the City would present the facts and recommendation followed by comments by the landowner, and the opportunity for the public to provide a statement or presentation with regard to the issue. He noted that this was a hearing and the rules of evidence did not strictly apply. He stated that he would act as judge or the hearing officer and entertain any evidence, discussion, or argument. He welcomed input from the community.

Mackenzie Johnson reported on the variance request related to flag lot standards for driveway access width. She noted that the proposed property, located at 382 Lofty Lane, was zoned R1-10 which allowed for single family dwellings. She added that this neighborhood was also part of the sensitive lands overlay zone which dealt with challenging topographic conditions and geotechnical ordinance requirements. She shared an aerial view of the property and explained the staff portion of the flag lot was narrower than what City Code would allow. Ms. Johnson clarified that this property was considered legal non-conforming, as it was created prior to current code adoption related to flag lots. She continued that the request was for a 12 foot drive approach to limit the disturbance of the natural slope, maintain the maximum driveway slope of 10%, and reduce the need for retaining walls.

Mackenzie Johnson added that City Code 13-8-4 required that a flag lot have a minimum paved driveway width of 20 feet. She shared that historically; the property was slated to be used by

South Davis Water District as a water tank site. She said the property was then sold to a private party during November of 2012. She explained that on October 22, 2012 the City provided the property owner a letter (Exhibit B) stating that the property was found to be a legal building lot subject to the following requirements:

- 1) The lot must contain 5,000 square feet of contiguous buildable area with at least a 50' dimension. Buildable area is defined as land that has a natural grade of less than 30%.
- 2) The building on the lot must have either (a) fire sprinklers, or (b) a fire hydrant (depending on the size of the building) and a fire turnaround including an access road that must be 20' in width and cannot exceed a 10% grade.
- 3) The lot size, excluding the stem of the flag lot, must be a minimum of 10,000 square feet in size.

Ms. Johnson continued that the property owner provided a site plan with the driveway complying with code related to fire suppression including the turnaround, width, and 10% slope. She said since that time the Fire Marshal and City Engineer determined that even if the driveway was improved to 20 feet of width, a fire truck would not navigate down the driveway. She shared that the Fire Marshal provided the applicant the opportunity to have a standpipe for fire suppression. She noted the Development Review Committee (DRC) was satisfied with this solution.

Glenn Bronson commented that he saw an exhibit with a 20 foot wide driveway. Mackenzie Johnson replied that he was reviewing the old plan. She elaborated that the plan with the 20 foot driveway was not ideal as it had the retaining walls substantially closer or on the property line whereas with the 12 foot reduction allowed for five foot buffers from the property lines. She added the updated plan required less grading and fewer tall walls.

Glenn Bronson clarified that in connection with the application there were several items submitted including the engineering drawing with the 12 foot width and a separate drawing with the grading/topography. Mackenzie Johnson replied affirmatively and said the current plan included the 12 foot width, shorter retaining walls, less regrading, and fire suppression provided by a standpipe and fire sprinkling, and a 10% grade. She explained that after a two year review the end result included walls complying with maximum heights and grading complying with maximum slopes. She noted the only item out of compliance was the width of the driveway.

Glenn Bronson asked for clarification on whether there was a variance request related to the length. Sherrie Pace responded that if it exceeded 150 feet, it would need the fire turnaround unless alternate means and method for fire suppression was found. She clarified that the standpipe would allow for the hose down from the fire truck staged on a public street.

Mackenzie Johnson clarified that the 150 foot requirement was only for a fire access road. She said the variance request was only for the driveway width at this time. She noted a 12 foot wide driveway was reasonable for a residential lot. She reviewed State Code 10-20-1102(2) which provided criteria on how to and when to grant a variance with specific requirements which specifically stated “The appeal authority may grant a variance only if:

- (i) Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;

Ms. Johnson shared that the State Code also detailed how to determine unreasonable hardship and said the applicant’s circumstances meet the condition found in Subsection 10-20-1102(2)b(i):

b) (i) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection(2)(a), the appeal authority may not find an unreasonable hardship unless the alleged hardship:

(A) is located on or associated with the property for which the variance is sought; and
(B) comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

- (ii) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (2)(a), the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.”

Ms. Johnson provided the following statement: “The subject property is a flag lot with topographic conditions that are peculiar to the property and not from conditions that are general to the neighborhood. The staff portion of the flag lot is legal non-conforming at 27 feet wide. To maintain a safe access to the building pad while complying with the codes regulating the driveway slope and the height and location of the retaining walls, this variance request is necessary. The DRC does not find this variance request to be self-imposed nor economic, in that the drive could be built but would have considerable environmental impacts on the adjacent slopes and abutting properties.”

Mackenzie Johnson continued that per State Code (ii) “there are special circumstances attached to the property that do not generally apply to other properties in the same zone.” She provided the following information: “The R1-10 zone allows for single family dwellings and flag lots. The subject flag lot was not designed per the current City Code regarding the size of the staff portion. Other properties and flag lots in the zone do not share the same staff size and topographic

constraints. To allow safe access to the building pad, and ultimately allow the property to be developed and enjoyed to the same degree of neighboring single family properties in the zone, this variance is necessary.”

Ms. Johnson continued her review of the State Code section (iii) “Granting a variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.” She presented the following rebuttal:

“This property will be deprived of a substantial property right that is possessed by other properties in the same zone. Other properties in the same zone are not required to have a minimum driveway width and were instead bound by a maximum driveway width. Many properties within the City’s residential zones have drive approaches similar in width to the proposed drive. The intent of the required minimum driveway width on flag lots is to address fire protection and provide firetrucks to access the site in the event of an emergency. The fire code provides for the fire marshal to approve alternative methods and means to achieve fire protection. Examples of such are provision for standpipes within a certain distance of the home, fire sprinkling, or fire resistive construction materials, etc.”

Glenn Bronson requested any statement issued by the Fire Marshal. Mackenzie Johnson replied that staff would present a stamped plan approved by the Fire Marshal.

Mackenzie Johnson shared her review of State Code (iv) “the variance will not substantially affect the general plan and will not be contrary to public interest.” She noted that “the proposed variance to paved driveway width at the subject property will not affect the General Plan or be contrary to the public interest. The DRC supports the approval of this variance request because it allows a vacant property to be improved in the same fashion as the other development in the neighborhood and zone in accordance with the General Plan.”

Ms. Johnson concluded with the final section of the State Code (v) “the spirit of the land use ordinance is observed and substantial justice is done.” She added that “the spirit of the Land Use Ordinance is to protect all members of the public equally. Substantial justice, in this case, means that all property owners should be able to rely on the proper application of the laws that protect their property rights as well as the applicants’ and that the interest of the City at large is protected in maintaining the appearance and property values of existing neighborhoods in the City. It is the DRC’s determination that this variance application follows the spirit of the land use ordinances while allowing equal property rights to be shared by the subject property and others in the City.”

Ms. Johnson stated that the DRC was in favor of approving the variance request allowing the minimum paved driveway width to be reduced to 12 feet wide on a flag lot at 382 South Lofty

Lane. She said this variance would allow the property to be used in the most efficient possible way given the zone, land uses, topographic conditions, and adopted city plans for the area. She then shared the plans with the approval stamp from the Fire Marshal from April 16, 2026 with the following statement from the Fire Marshal, "as discussed in the meeting at NSL city offices and after further plan review, I would make a recommendation to forgo the 20 foot driveway due to the grade and install an alternate means of fire protection. The one that was discussed at the meeting was to install a standpipe by the road and at top of the driveway. I would look at other options if presented."

Glenn Bronson mentioned the original variance request included a driveway longer than 150 feet as well as a 14 foot width instead of 12 feet. He asked regarding this change. Mackenzie Johnson replied that this would reduce the level of retaining walls needed on the property. She noted the 14 foot was a request from two years ago and how the 12 foot would be less impactful to the slope. She explained the inaccuracies were due to the application being closed, then reopened, and not requiring the applicant to resubmit the application.

Glenn Bronson clarified that the primary consideration was the circumstances peculiar to the property and the hardship this created. He said the nature of the flag lot as originally approved in the plat no longer conformed with City ordinances. Mackenzie Johnson clarified that this property was not part of a plat, but a parcel, as the subdivisions developed around it due to its prior proposed use as a water tank. She explained that this was why it did not have the same requirements of a single family home as it was not originally plated for residential use.

Glenn Bronson noted that the other component of the circumstances was the topographical layout. Mackenzie Johnson said the slope from the road dropped quite dramatically down the hillside, with a flat area for the building pad (which met City Code), and then dropped off again. She added that the topography had not changed from the original plan.

Fawad Tanvir, applicant, shared that when he originally purchased the property that the City provided a letter with requirements for the lot. He used a topography survey and concluded that they could meet all of the requirements including: not exceeding a 10% grade, 5,000 square feet of contiguous buildable area with 50 feet dimension and land with a natural grade of less than 30%, and a minimum 10,000 square feet in size. He spoke on fire suppression and the requirement for either fire sprinklers or fire hydrants and a fire turnaround of 20 foot width. Mr. Tanvir continued that after meeting with the Fire Marshal and staff that this plan was deemed feasible and met the requirements. He mentioned an additional requirement placed in 2016 related to geotechnical survey and obtaining favorable testing results.

Fawad Tanvir then spoke on the concerns with the 20 foot driveway by the Fire Marshal. He continued that State Code allowed for shortened driveways due to topography and alternative means for fire suppression. He said the biggest concerns by the neighbors were safety including water runoff, disturbance to adjacent property, and construction noise. He continued that the civil engineer provided a plan for water runoff collection on the property (through a ground swale) and anticipated no adjacent property disturbance. Mr. Tanvir spoke on measures to reduce construction and water runoff impact.

Glenn Bronson asked for a focus on the variance and whether the request met the requirements for approving said variance. Fawad Tanvir said that the lot itself was approved at 25 feet wide followed by additions to the code requiring 30 feet. He commented that the lot was built to meet the standards of the time and was legally non-conforming. He spoke on meeting the requirements for fire suppression, etc. and how the request for a variance was reasonable.

Mackenzie Johnson added that the 2016 code which was referenced was a result of the geologic issues in the City including landslides. She explained the strictness of the geotechnical reporting and requirements to build in the sensitive lands zone. She noted the applicant had been working with their geotechnical engineer as well as a third party consultant, GeoStrata, to cross examine everything. She said this had been completed on this lot and a geotechnical permit had been issued.

At 5:38 p.m. Glenn Bronson allowed for public comment.

John Mullen commented that he was an adjacent neighbor. He spoke on the narrowing of the driveway and the fire concerns. He shared concerns that the property did not meet the requirement related to a maximum grade of 10%. Glenn Bronson asked if Mr. Mullen had evidence to show the property had more than a 10% grade and that the engineering survey was incorrect.

John Mullen also asked if this home would be occupied by Mr. Tanvir or if it would be a spec house. Glenn Bronson replied that while these considerations could not be factored into his analysis, they were relevant to the neighbors and the applicant.

Curt Davis commented that he lived downhill from the subject property. He stated that the laws were in place to avoid bad things from occurring. He shared two concerns including limiting hazards in the neighborhood and property devaluation. Glenn Bronson shared that two of the elements he was required to consider included that the request would not substantially affect the General Plan and that the spirit of the land ordinance was still observed including safety. He said

it sounded like the City was addressing safety concerns including the requirement for a geotechnical review.

John Mullen asked in regard to the total cost of the lot. He estimated that the property owner would invest \$2 or \$3 million into the property which was significantly more than the other homes in the neighborhood. Glenn Bronson replied that this could be asked of the property owner outside of the hearing. He said it was not relevant to his decision.

Fawad Tanvir spoke on the concerns from the neighbors and the limit of disturbance to the neighbors including water runoff.

Curt Davis added the concern with fire and how the narrowness of the road may not accommodate emergency vehicles which in turn may lead to a fire spreading in the neighborhood. Fawad Tanvir addressed the concern by stating that the adjacent homes were more than 100 feet apart (defensible space around the home), the fire sprinklers, and the location of the fire hydrant near the house.

Glenn Bronson commented that concerns unrelated to the hearing could be shared between the property owner and the neighbors outside of the hearing.

Jennyfer Chapman commented that she was a neighbor and mentioned the updated codes were required for safety. She asked that the City consider the updated laws in connection with this property.

Glenn Bronson addressed the items related to the variance request including safety and impact on the neighbors. He said the impact would be the same whether the driveway was 12 feet or 20 feet. He noted that there was nothing to suggest that the issues presented were related to the width of the driveway. He mentioned the safety concerns which would be addressed by a building permit.

Fawad Tanvir confirmed his request for a reduction from a 20 foot driveway to a 12 foot driveway. Glenn Bronson commented that he was not enforcing the letter from 2012 which had been referenced. He said the current code required the driveway to meet the specifications per a variance request due to a hardship.

Mackenzie Johnson concluded that this was a buildable lot that could only be accessed by a driveway which was the variance before the Appeal Authority. She noted that if the applicant built a 20 foot driveway it would be substantially more impactful to the adjacent properties with

higher retaining walls. She shared that this was the least impactful option that was supported by the Fire Marshal and the City Engineer.

Glenn Bronson determined that the request for a variance was approved and granted. He accepted the recommendation of the City for the reasons stated in its memorandum. He noted this was no conciliation to the landowners who were most likely not elated with the decision. He continued the standard for granting a variance was high and not easy to achieve. He said unreasonable hardship was a fairly high standard but one of those elements was there was not practical use of the property which constituted a hardship. Mr. Bronson stated that one of the circumstances recognized in the law for decades was topographical considerations which were unique to a piece of property and not to other pieces of property. He noted two instances or reasons including peculiar circumstances dependent to the property and the topography which affected the potential width of the property, retaining walls, and the history of this particular lot which was a unique circumstance. He concluded that the elements had been met for the reasons stated in the City's memorandum so the variance was granted.

After hearing and considering all of the evidence and testimony in the captioned matter, and consistent with the findings and conclusions, the City of North Salt Lake Appeal Authority approved the application by Fawad Tanvir for a variance to reduce the minimum driveway width for a flag lot from twenty feet (20') to twelve feet (12') for property located at 382 South Lofty Lane also known as parcel 01-109-0035 on the Davis County Recorder's Records.

2. CASE 39973-2026. CHAD RAWLINGS AT 1081 NORTH AMBERLY DRIVE- DETERMINATION REGARDING VIOLATION OF CITY CODE SECTION 7-9-6: TREE MAINTENANCE AND PRUNING IN CITY RIGHTS-OF-WAY ALONG AMBERLY DRIVE. (REQUEST FOR ABATEMENT AND CIVIL PENALTY)

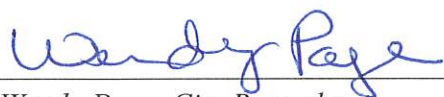
Mackenzie Jonhson noted that no one was present related to this matter. Glenn Bronson replied that the default was granted.

Glenn Bronson determined that the hearing was resolved by default and the order would be entered as drafted by the City with one minor change to add the dates for the violations.

3. ADJOURN

Glenn Bronson adjourned the meeting at 5:57 p.m.

Approved as directed by Administrative Law Judge, Glenn Bronson.



Wendy Page, City Recorder

