APPEALS HEARING OFFICER STAFF REPORT

Expansion of a Non-Conforming Structure

Meeting Date: September 12, 2019

Staff Contact: Andy Hulka, Associate Planner

Summary

Applicant:
Joann & Randy Meitler

Subject Property:
6991 S. Chris Ln.

Action Requested:
Expansion of a Non-Conforming Structure

Recommendation:
APPROVE

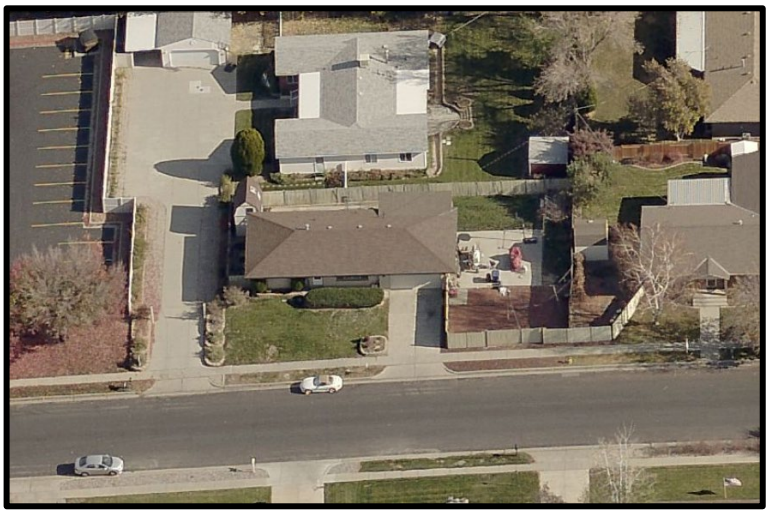
Project #:
AHO-19-004

Context

Property Owner:
Joann & Randy Meitler

Acres:
0.18 acres

Parcel #
22-21-460-002



Aerial Imagery (Looking east)

Site Photos

6991 S. Chris Ln. (Looking east from Chris Ln.)

Zoning

Site:
R-1-8: Residential Single-Family zone

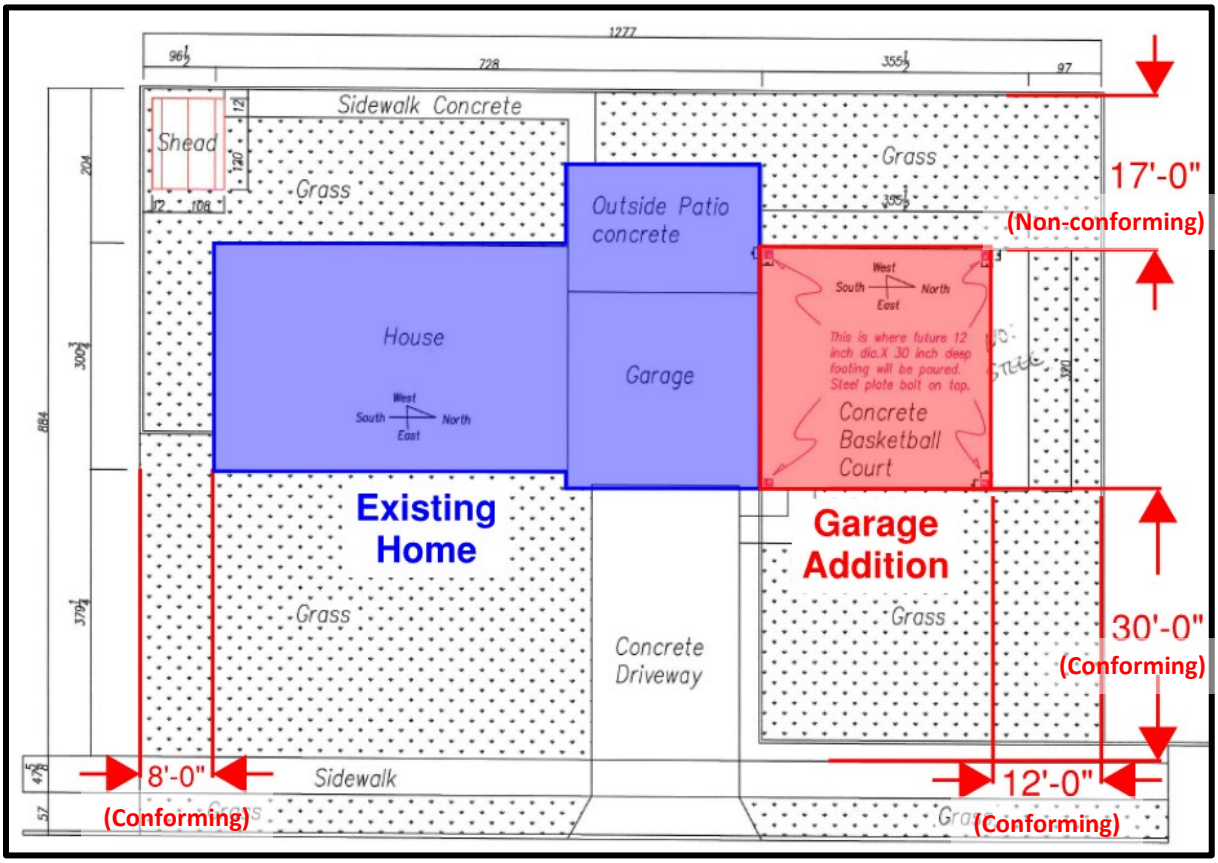
Surrounding Properties:
NC: Neighborhood Commercial

R-1-8: Residential Single-Family zone

Analysis

Request

The applicant's proposal is to expand a non-conforming structure by constructing a new garage on the existing home at 6991 S. Chris Ln. The request is to construct the garage along the existing non-conforming rear yard setback on the property.



Appeals Hearing Officer Authority

Chapter 19.88 of the Cottonwood Heights Zoning Ordinance allows for additions to non-conforming structures upon approval from the city's Appeals Hearing Officer:

> ***19.88.070 Additions, enlargements, moving and reconstruction of building.***
> *B. A building occupied by a nonconforming use or a building noncomplying as to height, area, or yard regulations may be added to or enlarged or moved to a new location on the lot or reconstructed at a new location on the lot upon a permit authorized by the Appeals Hearing Officer provided that the Appeals Hearing Officer, after the hearing, shall find:*
>
> 1. *The addition to, enlargement of, moving of, or reconstruction of the noncomplying building at a new location on the lot will be in harmony with one or more of the purposes stated in section 19.02.020, and shall be in keeping with the intent of this title;*
> 2. *That the proposed change does not impose any unreasonable burden upon the lands located in the vicinity of the nonconforming use or noncomplying building.*

19.02.020 Purpose of provisions.
This title is designed and enacted for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the city, including, among other things, the lessening of congestion in the streets or roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, and securing economy in governmental expenditures, fostering the city's industries, and the protection of both urban and non-urban development.

Context

The subject property is in the R-1-8 (Single-Family Residential) zone. Required setbacks in the R-1-8 zone are as follows:

Setbacks	Existing	Proposed	Required
Front (Chris Ln.)	30'	30'	25'
Side (North)	8'	(N/A)	8'
Side (South)	37'	12'	12'
Rear	**8'**	**17'**	**20'**

The existing home was legally constructed in 1967. The home has an existing covered patio with an 8-foot setback and a 17-foot setback along the rear of the primary building, both of which do not comply with current city requirements. The existing home is considered a non-conforming structure which "legally existed before its current land use designation and, because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations which govern the use of the land" (Section 19.04.1800 – Definitions, "Noncomplying Structure").

The applicant's proposal would not increase the degree of non-conformity of any existing setbacks but would seek to continue the 17-foot rear setback along the rear of the proposed garage addition, staying consistent with the existing setback for the majority of the building.

Analysis: Staff finds that the proposed addition introduces no significant impact, given that the existing building is already nonconforming. The proposed addition will not increase the degree of nonconformity in the rear yard of the property. A building permit will be required prior to construction to ensure safe building standards are followed, and approval of the expansion promotes reinvestment in an older home in the city. Further, staff finds that the proposed change does not impose any unreasonable burden on adjacent property because nearby properties are similarly non-conforming, and the existing setback is not proposed to be reduced any further.

Recommendation & Findings

Staff recommends APPROVAL of the request for an expansion of a non-conforming structure with the following findings:

1. The proposal will not negatively affect the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the city because the use is the same as currently exists;
2. The proposal will not create any additional congestion in the streets or roads;

3. The proposal will not create a fire safety issue;
4. The proposal will not affect air flow or block natural light from adjoining properties by conforming with all height regulations;
5. The proposal will have no apparent negative effect on the city's tax base;
6. The proposal will not place any type of unreasonable burden upon neighboring properties;
7. The proposal is in keeping with the intent of the Cottonwood Heights Zoning Ordinance.

Attachments

1. Applicant Narrative
2. Plans

TO: COTTONWOOD HEIGHTS CITY
FROM: RANDY WHEELER
6991 CHRIS LN.
COTTONWOOD HEIGHTS UT. 84121
REG: GARAGE ADDITION TO
EXISTING HOME.

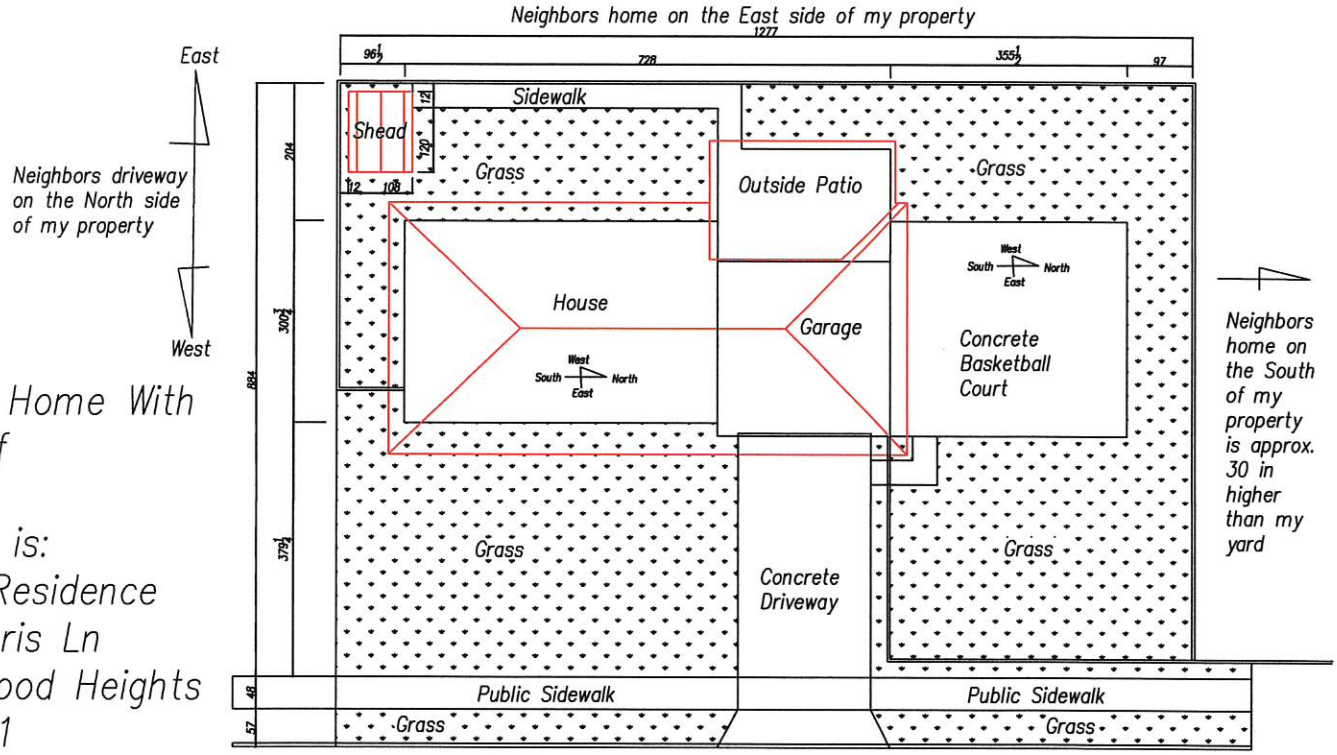
I AM ADDING A GARAGE TO MY EXISTING HOME HOME TO THE SOUTH SIDE. IT WILL BE USED AS AN ADDITIONAL GARAGE (IE HOBBY SHOP) WILL NOT CAUSE ANY PROBLEMS WITH THE NEIGHBORS. THIS WILL BE USED FOR MY RETIREMENT TO FIX OUT THINGS & WORK ON MOTORCYCLE OUT.

AUG. 12 2019

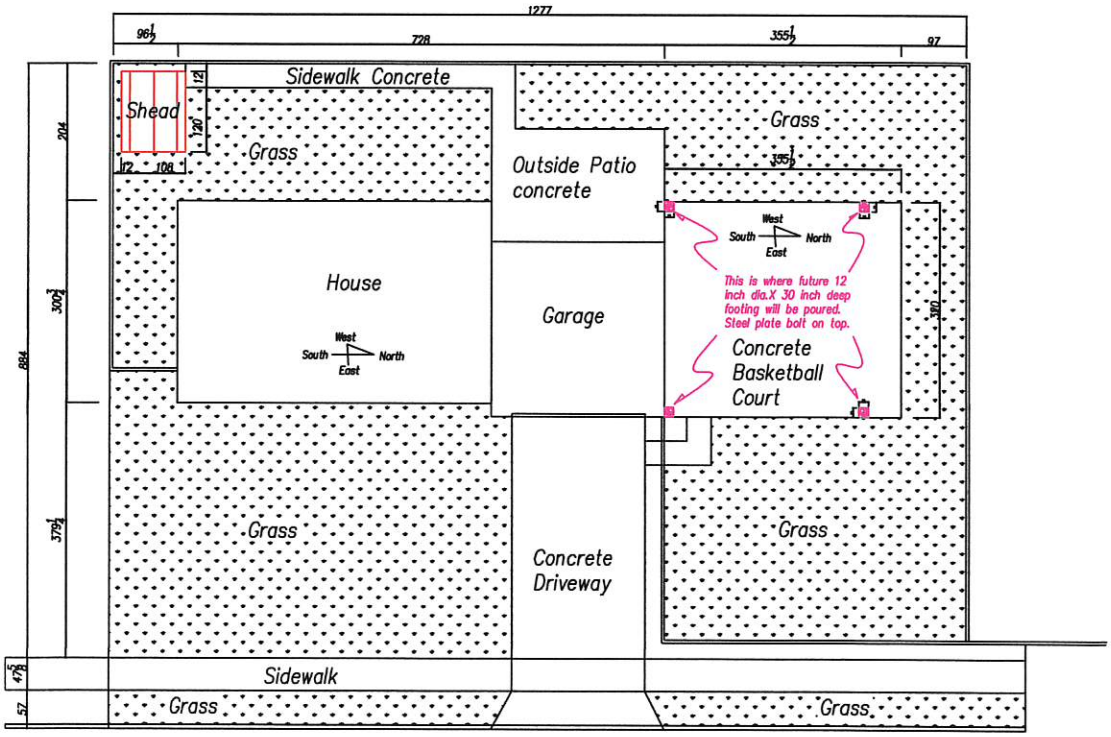
Randy Wheeler

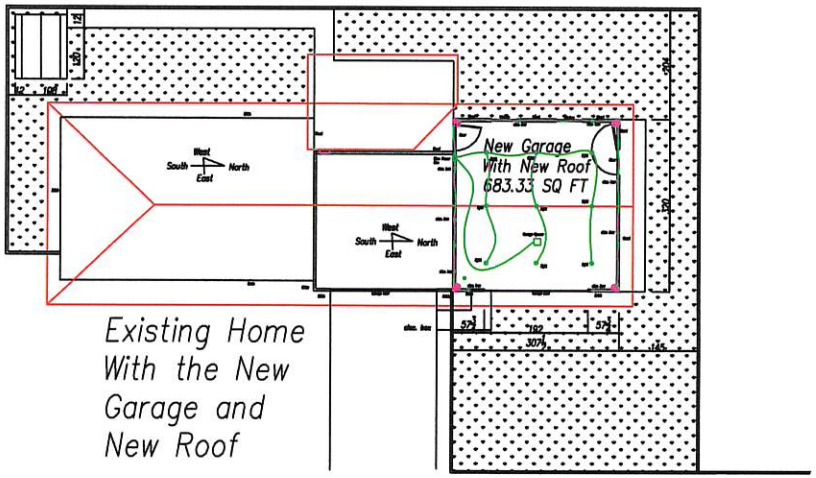
Existing Home With the Roof

Address is:
Meitler Residence
6991 Chris Ln
Cottonwood Heights
Ut 84121

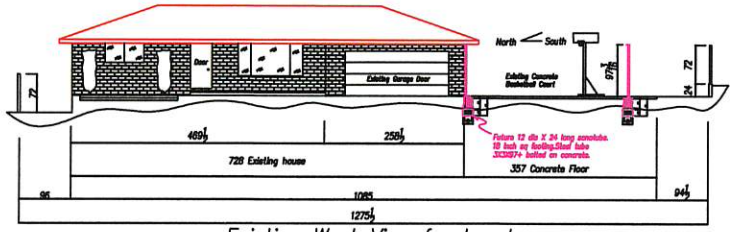


Existing Home Without the Roof



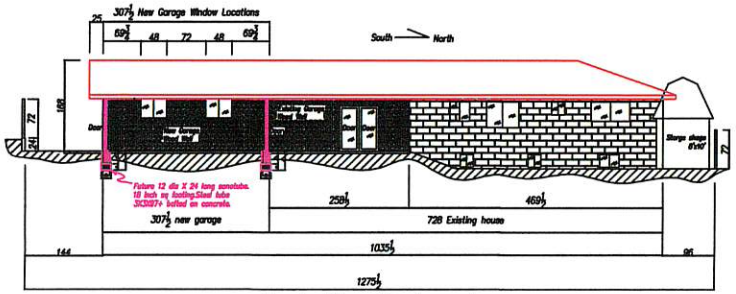


Existing Home With the New Garage and New Roof

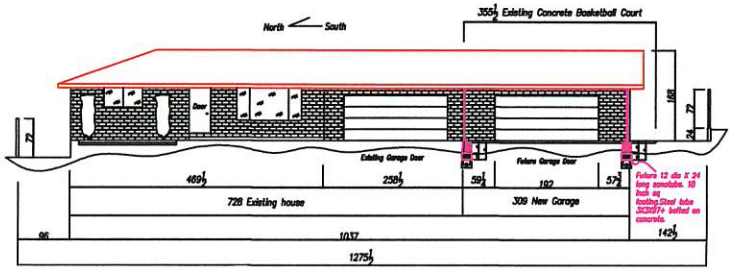


Existing West View frontyard

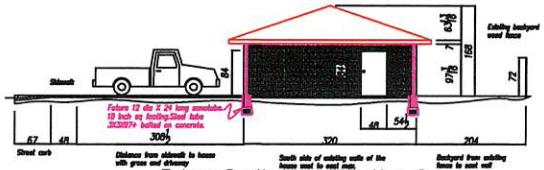
Future South View Frame Details



East View Backyard



Future West View frontyard With New Garage



Future South View With New Garage