



APPEALS HEARING OFFICER MEETING AGENDA

Department of Community and Economic Development
Meeting Date: June 9, 2022

NOTICE is hereby given that the **Cottonwood Heights Appeals Hearing Officer** will hold a business meeting beginning at approximately 5:00 p.m. on **Thursday, June 9, 2022**, in the Council Work Room (Room 124) at 2277 E. Bengal Blvd., Cottonwood Heights, UT. The public may remotely hear the open portions of the meeting through live broadcast by connecting to <http://mixlr.com/chmeetings>.

5:00 p.m. BUSINESS MEETING

1.0 Welcome and Acknowledgements

2.0 Action Items

2.1 (Project AHO-22-004)

Action on a request from Garrett Magee, on behalf of Philip Tate, for expansion of a legal non-conforming home at 3468 E. Summerhill Dr.

3.0 Consent Agenda

3.1 Approval of June 9, 2022 Minutes

(The Appeals Hearing Officer will approve the minutes of the June 9, 2022, meeting after the following process is met. The recorder will prepare the minutes and email them to the hearing officer. The hearing officer will have five days to review the minutes and provide any changes to the recorder. If, after five days there are no changes, the minutes will stand approved. If there are changes, the process will be followed until the changes are made and the hearing officer is in agreement, at which time the minutes shall be deemed approved.)

4.0 Adjourn

Meeting Procedures

Items will generally be heard in the following order:

1. Staff Presentation
2. Applicant Presentation
3. Appeals Hearing Officer Deliberation
4. Appeals Hearing Officer Decision

*Appeals Hearing Officer applications may be tabled if: 1) Additional information is needed in order to act on the item; OR 2) The Appeals Hearing Officer feels there are unresolved issues that may need further attention before the Officer is ready to make a decision. **NO agenda item will begin after 9 pm** without approval from the Appeals Hearing Officer. The Appeals Hearing Officer may carry over agenda items, scheduled late in the evening and not heard, to the next regularly scheduled meeting.*

Notice of Compliance with the American Disabilities Act (ADA)

In compliance with the Americans with Disabilities Act, individuals needing special accommodations or assistance during this meeting shall notify the City Recorder at (801)944-7021 at least 24 hours prior to the meeting. TDD number is (801)270-2425 or call Relay Utah at #711.

Confirmation of Public Notice

On June 3, 2022, by 5:00 p.m., a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Cottonwood Heights City Offices, Cottonwood Heights, Utah. The agenda was also posted on the City's website at www.ch.utah.gov and the State Public Meeting Notice website at <http://pmn.utah.gov>.

DATED THIS 3rd Day of June, 2022

Paula Melgar, City Recorder



APPEALS HEARING OFFICER STAFF REPORT

Expansion of a Non-Conforming Structure

Meeting Date: June 9, 2022

Staff Contact: Samantha DeSeelhorst, Associate Planner & Sustainability Analyst

Summary

Applicant:

Garrett Magee, on
behalf of Philip Tate

Subject Property:

3468 E. Summer Hill Dr.

Action Requested:

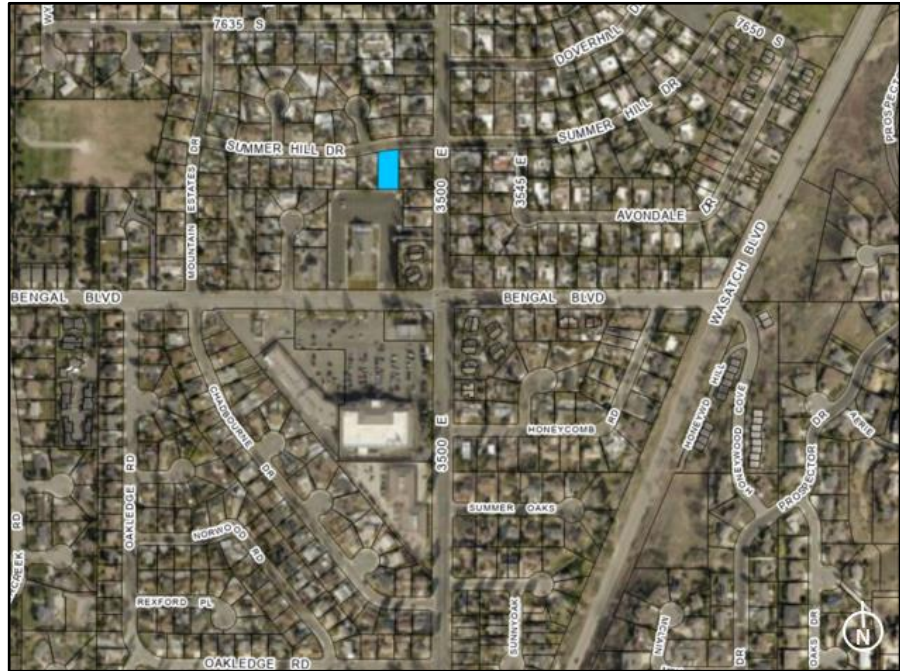
Expansion of a Non-
Conforming Structure

Recommendation:

Approve with Conditions

Project #:

AHO-22-004



Vicinity Map

Context

Property Owner:

Philip D. and Amber L.
Tate

Acres:

0.27

Parcel #:

22-26-480-016

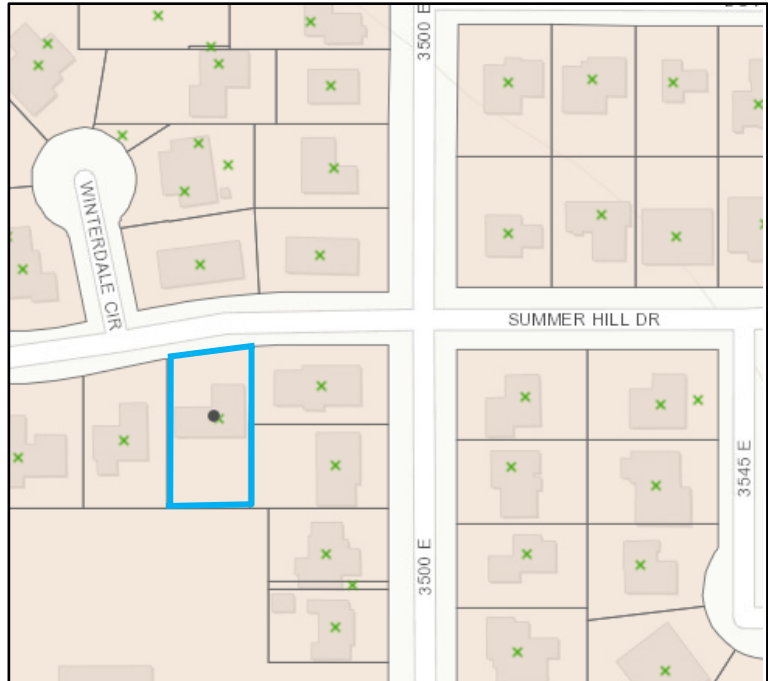


Street View, Looking South

Zoning

Subject & Adjacent Properties:

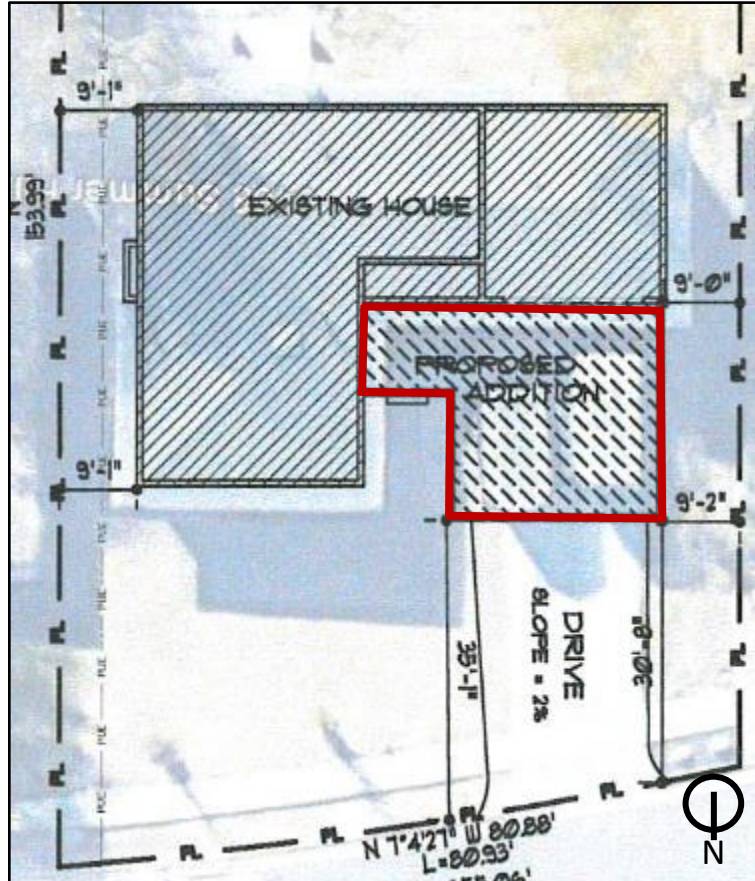
- R-1-8 (Residential Single-Family)



Request

The applicant is requesting approval of an addition to an existing home built in 1977 at 3468 E. Summer Hill Dr.

The proposed addition extends toward the front property line, continuing along the existing west side setback.



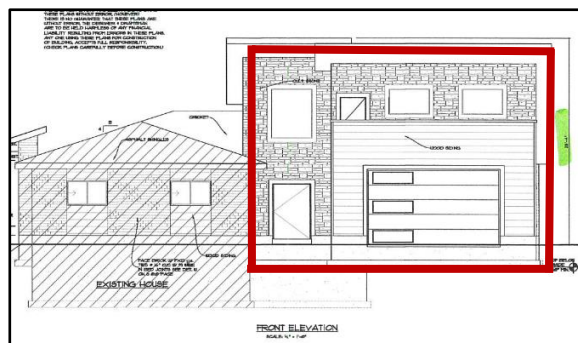
Development Standards

Setbacks

- Front Setback (North Property Line)
 - **Existing:** 33'
 - **Required:** 25'
 - **Proposed:** The applicant's plans indicate a 30' front setback. However, this was calculated by measuring to Summer Hill Dr., rather than to the back of sidewalk where the front property line falls. From staff estimates, the current design likely measures 20' from the actual front property line, which does not meet the 25' requirement. Staff has included a recommended condition of approval that the plans be updated to reflect the correct front property line, and the design be altered to meet the 25' setback from this boundary, if necessary. **A deviation from the front setback requirement is not being considered as part of this *Expansion of a Nonconforming Structure* application.**
- Side Setbacks (East and West Property Lines)
 - **Existing:** Combined total of 18', with 9' on each side
 - **Required:** Combined total of 20', with neither side less than 8'
 - **Proposed:** The proposed addition continues along the existing 9' west side setback, not encroaching any further toward this property line. However, this home has existing side setbacks which are nonconforming, due to the combined total of the east and west side setbacks equaling 18', rather than the 20' required by Cottonwood Heights City Code. While a 9' setback is not nonconforming on its own, the combined total of 18' is, thus triggering this *Expansion of a Nonconforming Structure* process.
- Rear Setback (South Property Line)
 - **Existing:** 70'
 - **Required:** 20'
 - **Proposed:** No Change

Height

The existing home is a single-story structure with a basement. The proposed addition incorporates a second story, resulting in a proposed height of 23', compliant with the maximum allowance of 35' in the R-1-8 zone.



The proposed addition area is shown in red, measuring at 23' per the applicant's plans.

Lot Coverage

Including the proposed addition, the home's footprint measures at approximately 3,136 square feet. Out of a total lot size of 11,761 square feet, this represents lot coverage of approximately 27%, compliant with the maximum allowance of 50% lot coverage in the R-1-8 zone.

Analysis

Staff finds that the proposed residential addition introduces no significant impact, given the following:

- The existing home is nonconforming due to the combination of its side setbacks totaling ~18', rather than the required 20'. The proposed project does encroach further toward side property lines, thus not increasing the degree of nonconformity.
- Considering the allowance within the R-1-8 zone for a minimum side setback of 8', this project's side setback of 9' is less impactful to the adjacent neighbor than a current, conforming build with an 8' setback would be. It is solely the combination of the side setbacks that is nonconforming.
- All other development standards (setbacks, height, and lot coverage) are compliant with City Code, and will be verified as such during the building permit process.

Appeals Hearing Officer Authority

Chapter 19.88 of the Cottonwood Heights Municipal Code 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.

Recommendation & Findings

Staff recommends **APPROVAL WITH CONDITIONS** of the request for an expansion of a non-conforming structure, based on 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.

RECOMMENDED CONDITIONS OF APPROVAL:

1. The project plans must be updated to demonstrate a front setback measured to the front property line, rather than to the public right-of-way. This front setback measurement shall be no less than 25' from the front property line.
2. The project plans must be updated to indicate building height measured from existing grade, per the City's height measurement requirements.
3. The addition area may only be used as part of the single-family residence, and is not approved as a dwelling area for an additional family.

MODEL MOTIONS:

Approval

I move to approve project AHO-22-004, with the conditions and based on the findings listed in the staff report dated June 9, 2022...

- Add any additional findings for approval...
- Add any additional conditions for approval...

Denial

I move to deny project AHO-22-004, based on the following findings...

- List findings for denial...

Attachments

1. Proposed Addition Plans and Narrative

5/12/2022

To whom it may concern:

My wife Amber and I purchased the home at 3468 S Summerhill Dr in Cottonwood Heights in the Summer of 2019 after residing in South Jordan since 2001. We have planned this home to be our forever home and have always had plans to do an addition to better serve our family's needs. Converting the small existing garage into a larger Master bedroom and building a new larger 2 car garage is our plan. We have been saving the past few years and finally had the plans drawn to make our dreams a reality.

Our next-door neighbor to the west, [REDACTED] has been waiting for someone to make this home and yard much better. She tells me she has lived in this neighborhood since the late 1970's. All the homes on Summerhill to the east, north and west of us are set on the lots much closer to the road than ours. Ours is an L shaped home and we will be making the home more of a u shape. It will not encroach any closer to the road than any of the homes around us. That is all part of our plan to improve the look of the home and yard. We look forward to having many family gatherings in this home and yard.

If you have any questions, feel free to reach out to me at any time.

Sincerely,



Philip Tate

