COTTONWOOD HEIGHTS

RESOLUTION NO. 2023-33

A RESOLUTION APPROVING EXCEPTIONS TO THE REQUIREMENTS FOR LOT SIZE AND FRONT YARD SETBACK OF LOTS LOCATED AT 3457 EAST MAGIC VIEW DRIVE

WHEREAS, Chapter 12 of Title 14 ("*Chapter 14.12*") of the COTTONWOOD HEIGHTS CODE OF ORDINANCES (the "*Code*") sets forth, *inter alia*, standards and requirements for roadways in the city of Cottonwood Heights (the "*City*"); and

WHEREAS, Code section 14.12.130(E) provides that any building lot located outside a planned unit development which fronts on a private roadway with at least 25 feet of paved surface shall (a) have a minimum lot area of at least one-half acre, and (b) be set back at least 50 feet from the centerline of the private roadway; and

WHEREAS, however, Code section 14.12.150 allows the City's city council (the "*Council*"), after receiving a recommendation from the City's planning commission (the "*Planning Commission*"), to grant variations or exceptions to the requirements of Chapter 14.12 in cases where unusual topographical, aesthetic, or other exceptional conditions or circumstances exist, so long as such variations or exceptions are not detrimental to the public safety or welfare; and

WHEREAS, the owner ("*Applicant*") of a parcel of realty containing about 1.25 acres located at 3457 East Magic View Drive in the City desires to subdivide such realty into two lots, the first ("*Lot 1*") to contain an existing residence and about 1.061 acres of ground and the second ("*Lot 2*") to contain about .184 acre of ground, and has requested (a) an exception to the front building line setback requirements for both Lot 1 and Lot 2 (collectively, the "*Lots*") reducing those setbacks from 50 feet to no less than 25 feet from the centerline of the abutting private street, and (b) reducing lot area of Lot 2 from one-half acre to no less than 8,000 square feet, all as shown on and described in City's staff report for City project SUB-23-001 (the "*Exceptions*"); and

WHEREAS, on 3 May 2023 the City's planning commission (the "*Planning Commission*") held a public hearing on Applicant's request for the Exceptions, at which time all interested parties were given the opportunity to provide written or oral comment concerning the Exceptions; and

WHEREAS, such public hearing before the Planning Commission was preceded by all required legal notices; and

WHEREAS, on 3 May 2023 the Planning Commission recommended approval of the Exceptions and forwarded such recommendation of approval to the Council for final action; and

WHEREAS, on 20 June 2023 the Council met in regular meeting to consider, among other things, whether to grant the Exceptions; and

WHEREAS, after careful consideration of the recommendation of the Planning Commission, comments at the public hearing and other public meetings where the proposed Exceptions were discussed, and recommendations of City staff, the Council has determined that it

is in the best interest of the health, safety and welfare of the citizens of the City to approve the Exceptions;

NOW, THEREFORE, BE IT RESOLVED by the city council of Cottonwood Heights that the Exceptions are hereby approved based on the Council's finding that the Exceptions are authorized under Code section 14.12.150 and that approval of the Exceptions will not be detrimental to the public safety or welfare; and it is

FURTHER RESOLVED that the City's Director of Community and Economic Development is hereby authorized and directed to effect the Exceptions as to the Lots in full conformity with all other applicable laws and ordinances.

This Resolution, assigned no. 2023-33, shall take effect immediately upon passage.

PASSED AND APPROVED this 20th day of June 2023.

ATTEST:

By: _____
Paula Melgar, Recorder

COTTONWOOD HEIGHTS CITY COUNCIL

By _____
Michael T. Weichers, Mayor

VOTING:

Michael T. Weichers	Yea X	Nay ___
Matt Holton	Yea X	Nay ___
J. Scott Bracken	Yea X	Nay ___
Shawn E. Newell	Yea X	Nay ___
Ellen Birrell	Yea X	Nay ___

DEPOSITED in the office of the City Recorder this 20th day of June 2023.

RECORDED this 21 day of June 2023.