

Final

**MINUTES OF THE COTTONWOOD HEIGHTS CITY
BOARD OF ADJUSTMENT MEETING**

**Thursday, January 6, 2011
6:00 p.m.**

**Cottonwood Heights City Council Room
1265 East Fort Union Boulevard, Suite 300
Cottonwood Heights, Utah**

ATTENDANCE

Planning Commission Members:

James Holtkamp, Chair
Bob Wilde
Noor Ul-Hasan
Gary Barnes
James Adinaro
Don Antczak
Paul Throndsen

City Staff:

Brian Berndt, Planning Director
Morgan Brim, Planner
Shane Topham, City Attorney

1.0 WELCOME/ACKNOWLEDGEMENTS – CHAIR HOLTkamp

Chairman James Holtkamp called the meeting to order at 6:05 p.m.

2.0 Public Hearing

2.1 (Project #10-040) The Board of Adjustment will hear public comment on a request by Chris Stanfield, for the property located at 3281 East Bengal Blvd., requesting that the City allow him to expand twelve (12) feet into the northern side yard setback. (The proposed setback is eight (8) feet on the north side.)

Chairman Holtkamp asked staff to provide a summary of the applicant's request. Mr. Brim explained that the applicant is proposing an addition to the north side of their home that would extend the structure within eight feet of the northern property line. He reported that expanding nonconforming buildings are similar to variance requests; however a different review standard is used. Mr. Brim indicated that city code provides the Board of Adjustment the authority to grant this request if it meets the criteria outlined in section 19.88.070. He explained that this section requires that such requests may only be approved if they are in harmony with one of more of the purposes stated in section 19.02.020.

Mr. Brim then read section 19.02.020:

“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."

Mr. Brim stated that this application is not in conflict with this section and does not pose a threat to the health, safety or welfare of the City of neighborhood. He indicated that the proposal is in compliance with section 19.88.070(B)(2) and reads:

"That the proposed change does not impose any unreasonable burden upon the lands located in the vicinity of the nonconforming use or noncomplying building."

The Board of Adjustment recommended that the Planning Commission approve the application.

Chairman Holtkamp asked if anyone in attendance would like to speak to this item.

Mr. and Mrs. Holtan commented that they did not have any opposition to the project, but wanted clarification as to how the approval of this property would affect the other surrounding empty parcels future owners' ability for approval of variance. She raised the concern that she would not be in favor of the two front (south) parcels building right on the property line adjacent to her residence. Mr. Brim explained that only the property in question would be approved for the decreased setback and currently the setback is 15 feet. Chairman Holtkamp indicated that those two properties would have to apply for a zoning variance and come through the process separately if they wanted a decreased setback.

Board Member Adinaro directed staff to the plans on the projector and asked what the structure is on the east side of the home. Mr. Brim directed the question to the applicant, Chris Stanfield, who then indicated that the lines on the plan outline the rear deck. Mr. Brim then explained that the application is for the north side only and that the rear property setback will remain at 20 feet. Board Member Adinaro asked if the neighbor to the north is in favor of the proposal. Chris explained that he is in favor and is willing to provide equipment for the projects excavation.

Board Member Wilde moved to close the public hearing and Board Member Ul-Hasan seconded the motion. Vote on motion: Bob Wilde-Aye, James Holtkamp-Aye, Noor Ul-Hasan-Aye, Gary Barnes-Aye, James Adinaro-Aye, Paul Throndsen-Aye. The motion passed unanimously.

3.0 ACTION ITEMS

3.1 (Project #10-040) The Board of Adjustment will take action on a request by Chris Stanfield, for the property located at 3281 East Bengal Blvd., requesting that the City allow him to expand twelve (12) feet into the northern side yard setback. (The proposed setback is eight (8) feet on the north side.)

Board Member Wilde moved to approve to the application. Board Member Adinaro seconded the motion. Vote on motion: Bob Wilde-Aye, James Holtkamp-Aye, Noor Ul-Hasan-Aye, Gary Barnes-Aye, James Adinaro-Aye, Paul Throndsen-Aye. The motion passed unanimously

3.2 The Board of Adjustment will take action to approve meeting minutes from January 6, 2011.

Board Member Wilde moved to approve this meeting's minutes and read the following motion:

“I move that the recorder prepare the minutes and mail them to each member of the Board. The members 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 Board is in agreement, at which time the minutes shall be deemed approved.”

Board Member Wilde moved to approve the minutes of January 6, 2011. Member Ul-Hasan seconded the motion. Vote on motion: Bob Wilde-Aye, James Holtkamp-Aye, Noor Ul-Hasan-Aye, Gary Barnes-Aye, James Adinaro-Aye, Paul Throndsen-Aye. The motion passed unanimously.

4.0 ADJOURNMENT

Chairman Holtkamp moved to adjourn. Board Member Wilde seconded the motion. Vote on motion: Bob Wilde-Aye, James Holtkamp-Aye, Noor Ul-Hasan-Aye, Gary Barnes-Aye, James Adinaro-Aye, Paul Throndsen-Aye. The motion passed unanimously.

The meeting adjourned at 6:23 p.m.