

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

Wednesday, November 20, 2013

6:00 p.m.

**Cottonwood Heights City Council Room
1265 East Fort Union Boulevard, Suite 250**

ATTENDANCE

Board Members:

James Holtkamp, Chair
James Adinaro
Don Antczak
Noor Ul-Hasan

City Staff:

Brian Berndt, Community Economic Dev. Dir.
Larry Gardner, City Planner
Mike Johnson, Associate Planner
Shane Topham, City Attorney

Excused:

Bob Wilde
Doug Folsom

1.0 WELCOME/ACKNOWLEDGMENTS

Co-Chair James Holtkamp called the meeting to order at 6:00 p.m.

2.0 ACTION ITEMS

2.1 (Project #BOA 13-005) Action on a request from Vin Trong for reconstruction of non-complying building according to Chapter 19.88.070 located at 7486 South 2135 East by enclosing a carport into a two car garage

City Planner Larry Gardner presented the request and stated that Vin Trong owns the home located at 7846 South 2135 East. The property is a single-family home in a single-family neighborhood. The home was built around 1972 and the vicinity was shown on a map of the area. Mr. Gardner stated that Mr. Trong was retrofitting the home and bringing it back from a dilapidated condition. His intent is to sell the home. Mr. Trong was found doing work on the home without a permit including enclosing the carport. The City's inspector contacted Mr. Trong and informed him that a permit was required. Mr. Trong has since complied and was of the understanding that he did not need a permit.

Mr. Gardner stated that in his review of the plan submitted by Mr. Trong, it was observed that the current home does not meet the setback requirements of the R-1-8 zone, which are 20 feet for both sides and in no case less than eight feet. The home was found to be a non-compliant structure. Mr. Gardner performed measurements and observed other homes in the same subdivision and found that it was under another type of zoning in the county that allowed for reduced setbacks. He did not think the home was ever illegal but did not comply with City standards.

Mr. Gardner stated that the City cannot grant a building permit on a non-compliant structure. Non-compliant and non-conforming structures generally cannot be added on to, enlarged, or the exterior improved in any way. However, Cottonwood Heights City Ordinance includes a provision that allows for the carport to be enclosed with approval by the Board of Adjustment. Mr. Gardner found that this case meets the ordinance. Photos of the property were shown. One of the photos showed a blue area containing a shed that must be removed from the setback as a condition of approval. According to City Code it is not legal and has to be outside the side yard setback and separated from the building by six feet. Mr. Gardner recommended approval based on the findings and condition contained in the staff report.

Board Member Adinaro asked if the space is being constructed only as a garage and not as additional living space.

Mr. Gardner confirmed that the carport space is to be enclosed and used as a garage and not as additional living space.

Board Member Ul-Hasan asked how much the home will increase in value with a garage rather than a carport.

The applicant, Vin Trong, stated that his intent is to enclose the carport to increase the value of the home. The backup plan is for Mr. Trong to move into the home if they cannot sell it. Enclosing the carport would be beneficial either way. He expects the garage to increase the value by approximately \$50,000. He reported that he has remodeled several homes but this is the most expensive thus far. Mr. Trong stated that his intent is to improve the home. He remarked that the neighbors are happy with the improvements being made and support the enclosure of the carport.

Board Member Adinaro asked about the large roof and asked if something was removed.

Mr. Trong stated that the original structure appears to only have had a carport and it has existed since the beginning. In examining the attic, it did not appear that the home has ever been renovated or remodeled.

Motion: Board Member Ul-Hasan moved to recommend enclosing the carport at 7486 South 2135 East based on the following:

Findings:

- 1. Enclosing the carport of the home at 7486 South 2135 East will not negatively affect the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the city because the use of the property will not be changing.***
- 2. Enclosing the carport of the home at 7486 South 2135 East will not create any additional traffic congestion.***
- 3. Enclosing the carport of the home at 7486 South 2135 East will not create a fire safety issue. The enclosure will be required to be constructed according to modern building codes and the side yard access around the building will not change from what currently exists.***

4. ***Enclosing the carport of the home at 7486 South 2135 East will not affect air flow or block natural light from adjoining properties. Enclosing the carport will not increase the height of the structure nor change the distance from buildings as they now exist.***
5. ***Enclosing the carport of the home at 7486 South 2135 East is a land use type permitted in the R-1-8 zone and is the same land use type as surrounding properties, and will positively affect the city's tax base by increasing the value of the home.***
6. ***Enclosing the carport of the home at 7486 South 2135 East as proposed will not place any type of unreasonable burden upon neighboring properties.***
7. ***Enclosing the carport of the home at 7486 South 2135 East South as proposed is in keeping with the intent of this title.***

Condition:

1. ***That the storage shed in the north side yard setback be removed.***

The motion was seconded by Board Member Antczak. The motion passed with the unanimous consent of the Board of Adjustment.

2.2 Approval of November 20, 2013 Minutes

Co-Chair Holtkamp described the process for approving the minutes. He stated that the Recorder will email the minutes and allow the Board Members five days to review them and submit changes. If there are no changes the minutes will stand approved. If there are changes the process will continue until the Board is in agreement.

3.0 ADJOURNMENT

Motion: Board Member Antczak moved to adjourn. The motion passed with the unanimous consent of the Board Members present.

The Board of Adjustment meeting adjourned at 6:15 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Board of Adjustment Meeting held Wednesday, November 20, 2013.

Kory Solorio, CMC
City Recorder

Minutes approved: