

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

Thursday, July 17, 2014

6:00 p.m.

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

ATTENDANCE

Members Present: Noor Ul-Hasan, Doug Folsom, Don Antczak, Rich Robinson, James Adinaro

Excused: James Holtkamp

Staff Present: Senior Planner Glen Goins, Associate Planner Mike Johnson, Community and Economic Director Brian Berndt, City Attorney Shane Topham

Others Present: Ruth Robinson, Penny Foote, Kirk Foote

BUSINESS MEETING

1.0 WELCOME/ACKNOWLEDGMENTS

Vice Chair Ul-Hasan called the meeting to order at 6:00 p.m. and welcomed those attending.

2.0 ACTION ITEMS

2.1 (Project #BOA 14-003) Action on a request for a variance and an amendment of a non-conforming use by Kirk Foote, under Section 19.92.070 of the Cottonwood Heights Code, for approval of an encroachment into the side yard setback concerning the property located at 7374 South Chris Lane

Senior Planner, Glen Goins, presented the staff report and stated that the request is for a variance of an encroachment into the side yard setback to accommodate conversion of a carport into a garage with living space above and an extension of a non-conforming use. The City allows the expansion of a non-complying building providing it is in harmony with one or more purposes as stated in Section 19.92.070 of the Cottonwood Heights Code. The project layout was discussed. Mr. Goins indicated that there has been no opposition to the request. Staff recommends approval.

The applicant, Kirk Foote, was present to answer any questions.

Motion: Board Member Adinaro moved to approve the request for an expansion of a non-complying building based on the following:

Findings:

- 1. The expansion of the home at 7374 South Chris Lane as proposed 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 now exists.

2. *The expansion of the home at 7374 South Chris Lane as proposed will not create any additional congestion in the streets or roads.*
3. *The expansion of the home at 7374 South Chris Lane as proposed will not create a fire safety issue. The new home will be constructed according to current building codes.*
4. *The expansion of the home at 7374 South Chris Lane as proposed will not affect air flow or block natural light from adjoining properties by observing all height regulations.*
5. *The expansion of the home at 7374 South Chris Lane as proposed 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.*
6. *The expansion of the home at 7374 South Chris Lane as proposed will not place any type of unreasonable burden upon neighboring properties.*
7. *The expansion of the home at 7374 South Chris Lane as proposed is in keeping with the intent of this title.*

The motion was seconded by Board Member Robinson. Vote on motion: Doug Folsom-Aye, Don Antczak-Aye, Rich Robinson-Aye, James Adinaro-Aye, Vice Chair Noor Ul-Hasan-Aye. The motion passed unanimously.

- 2.2 **(Project #BOA 14-004) Action on a request for an expansion of a non-complying structure by Ann Robinson, under Section 19.88.070 of the Cottonwood Heights Code, for approval of an addition to a non-complying structure in the side yard setback of the property located at 8768 S Grand Oak Drive**

Associate Planner, Mike Johnson, presented the staff report and stated the request is for the expansion of a non-complying structure by adding a second story addition to an existing attached garage. The proposal was determined to be in compliance as stated in Chapter 19.88.070 of the Cottonwood Heights Code. Staff recommends approval.

Motion: Board Member Folsom moved to approve the request for an expansion of a non-complying building located at 8768 Grand Oak Drive based on the following:

1. *The proposed addition at 8768 South Grand Oak Drive will not have a negative effect on the health, safety, convenience, order, prosperity or welfare of the present and future inhabitants of the city because the use of the property will not be changing.*
2. *The proposed addition at 8768 South Grand Oak Drive will not increase traffic congestion in any way.*

3. *The proposed addition at 8768 South Grand Oak Drive will not increase the risk of fire and other danger. The enclosure will be required to follow the necessary steps to obtain a building permit and as such, will be required to meet all current building code requirements. Additionally, side yard access will not change from what currently exists.*
4. *The proposed addition at 8768 South Grand Oak Drive will not negatively affect airflow or block natural light from adjoining properties. The enclosure of the carport will be required to meet all ordinance requirements pertaining to structure height.*
5. *The proposed addition at 8768 South Grand Oak Drive is a land use type permitted in the R-1-8 zone and is the same land use type as surrounding properties. The propose addition will have a small but positive effect on the city's tax base by increasing the value of the home.*
6. *The proposed addition at 8768 South Grand Oak Drive will not impose any burden on neighboring properties.*

With the following condition:

- 1) *That the applicant obtains all necessary permits prior to doing any work on the proposed addition.*

The motion was seconded by Board Member Robinson. Vote on motion: Doug Folsom-Aye, Don Antczak-Aye, Rich Robinson-Aye, James Adinaro-Aye, Vice Chair Noor Ul-Hasan-Aye. The motion passed unanimously.

2.3 **Approval of Minutes for July 17, 2014**

It was noted that the Board of Adjustment will move to approve the minutes of July 17, 2014, after the following process is met. The Recorder will prepare the minutes and email a copy of the document to each Member of the Board. The Members will then have five days to review the minutes and provide changes to the Recorder. If, after five days there are no changes, the minutes will stand approved. If there are changes, the same 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 Adinaro moved to approve the minutes of July 17, 2014. The motion was seconded by Board Member Antczak and passed unanimously on a voice vote

3.0 **ADJOURNMENT**

Motion: Board Member Antczak moved to adjourn. The motion was seconded by Board Member Robinson and passed unanimously on a voice vote. The Board of Adjustment meeting adjourned at 6:18 p.m.

Minutes approved: 08/15/2014