

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

3
4 **Thursday, July 13, 2017**

5 **5:30 p.m.**

6 **Cottonwood Heights City Council Chambers**
7 **2277 East Bengal Boulevard, Cottonwood Heights, Utah**
8

9 ***ATTENDANCE***

10
11 **Members Present:** Chair Noor Ul-Hasan, Don Antczak, Pete Ellison, Rich Robinson

12
13 **Staff Present:** Community Development Director Brian Berndt, City Planner Andrew
14 Hulka, City Attorney Spencer Topham, City Recorder Paula Melgar

15
16 **Others:** Roger and Susan Thomas, Sam Shahram
17

18 **WORK SESSION**

19
20 **1.0 Review Business Meeting Agenda.**
21

22 The Board reviewed the agenda items. City Planner, Andrew Hulka, provided a brief explanation
23 of Project #BOA-17-003, a request from Sam Shahram for an expansion of a non-complying
24 structure. Mr. Hulka gave a brief history of the property and reported that the project will continue
25 with the existing setbacks. He reported that staff recommended the Board approve the request
26 based on the findings set forth in the staff report.
27

28 Mr. Hulka presented Project #BOA-17-004, a request from Roger and Susan Thomas for an
29 expansion to a non-complying structure. The structure is a residence that was built prior to the
30 City's incorporation. Mr. Hulka reported that the project will continue with the existing setbacks
31 so that there will be no impact to surrounding properties. He explained that the use is non-
32 conforming because combined 20-foot setbacks are required in the zone. The proposed setback is
33 only 16 feet. The Board briefly reviewed maps of the subject property. Staff recommended
34 approval of the proposal based on the findings set forth in the staff report.
35

36 The Work Session adjourned at 5:42 p.m.
37

38 **BUSINESS MEETING**

39
40 **1.0 WELCOME/ACKNOWLEDGMENTS**
41

42 Chair Noor Ul-Hasan called the meeting to order at 6:03 p.m. and welcomed those in attendance.
43

1 **2.0 ACTION ITEMS**

2
3 **2.1 (Project #BOA 17-003) Action on a Request from Sam Shahram for the Expansion of**
4 **a Non-Complying Structure at 2615 East Bengal Boulevard.**

5
6 City Planner, Andrew Hulka, presented the staff report and stated that above the request is for the
7 expansion of a non-complying structure at 2615 East Bengal Boulevard. The applicant is seeking
8 to expand an existing gas station and convenience store located on the corner of 2700 East and
9 Bengal Boulevard. Mr. Hulka displayed the materials included in the meeting packet, which were
10 incorporated into these minutes by reference. He explained that the structure is non-conforming
11 because it is a commercial use in the R-1-8 Single-Family Residential Zone, which was in
12 existence prior to the City’s incorporation. He pointed out that any expansion requires Board of
13 Adjustment approval. The expansion will include storage areas, a dishwashing machine, a new
14 ADA approved restroom, and extra coolers and freezers.

15
16 Staff reviewed the request and determined that the proposed expansion will not significantly
17 impact the surrounding residential properties because the setbacks are in compliance with the
18 underlying zone requirements and there is an effective buffer with trees and ground slope. Staff
19 also determined that permitting the addition will not negatively impact the health, safety,
20 convenience, order, prosperity or welfare of the present and future inhabitants of the City, will not
21 create additional congestion on streets or roads, will not create a fire safety issue, will not affect
22 air flow, or block natural light from adjoining properties.

23
24 Staff recommended approval of the expansion based on the findings set forth in the staff report.

25
26 *Pete Ellison moved to approve Project #BOA-17-003, a request from Sam Shahram for an*
27 *expansion of a non-complying structure at 2615 East Bengal Boulevard subject to the following*
28 *findings:*

- 29
30 1. *The proposal will not negatively affect the health, safety, convenience, order, prosperity*
31 *or welfare of the present and future inhabitants of the City because the use is the same*
32 *as currently exists.*
33
34 2. *The proposal will not create additional congestion on streets or roads.*
35
36 3. *The proposal will not create a fire safety issue.*
37
38 4. *The proposal will not affect air flow or block natural light from adjoining properties by*
39 *complying with all height requirements.*
40
41 5. *The proposal will not place any type of unreasonable burden on the neighboring*
42 *properties.*
43
44 6. *The proposal is in keeping with the intent of the Cottonwood Heights Zoning Ordinance.*
45

1 *Member Don Antczak seconded the motion. Vote on motion: Rich Robinson-Aye, Noor Ul-*
2 *Hasan-Aye, Pete Ellison-Aye, Don Antczak-Aye. The motion passed unanimously.*

3
4 **2.2 (Project #BOA-17-004) Action on a Request from Roger and Susan Thomas for the**
5 **Expansion of a Non-Complying Structure at 7255 South 2300 East.**

6
7 Mr. Hulka presented the staff report and stated that the request is from Roger and Susan Thomas
8 who are requesting the expansion of a non-conforming structure located at 7255 South 2300 East,
9 which is a residence built prior to the City’s incorporation. Mr. Hulka displayed the materials
10 included in the meeting packet which were incorporated into these minutes by reference. The
11 subject parcel is located in the R-1-8, Single-Family Residential Zone, which requires an eight-
12 foot side yard setback with a combined 20-foot setback between the sides. The existing home has
13 an eight-foot side yard setback on both sides, which does not meet the 20-foot requirement. The
14 proposal will continue with the current 16-foot setback.

15
16 Staff reviewed the request and found that the proposal will not negatively affect the health, safety,
17 convenience, order, prosperity or welfare of the present or future inhabitants of the City. Staff
18 recommended approval of the expansion with the findings set forth in the staff report. A question
19 was raised about whether any of the neighbors expressed opposition to the proposed addition. The
20 applicant, Roger Thomas, stated that there was no opposition and most of the neighbors were
21 enthusiastic about the addition.

22
23 *Pete Ellison moved to approve Project #BOA-17-004, a request from Roger and Susan Thomas*
24 *for the expansion of a non-conforming structure located at 7255 South 2300 East, based on the*
25 *following findings:*

- 26
27 **1. *The proposal will not negatively affect the health, safety, convenience, order, prosperity***
28 ***or welfare of the present and future inhabitants of the City because the use is the same***
29 ***as currently exists.***
- 30
31 **2. *The proposal will not create additional congestion on streets or roads.***
- 32
33 **3. *The proposal will not create a fire safety issue.***
- 34
35 **4. *The proposal will not affect air flow or block natural light from adjoining properties by***
36 ***complying with all height regulations.***
- 37
38 **5. *The proposal is permitted in the R-1-8 zone and is the same land use type as surrounding***
39 ***properties, and will cause no negative effect on the City’s tax base.***
- 40
41 **6. *The proposal will not place any type of unreasonable burden upon neighboring***
42 ***properties.***
- 43
44 **7. *The proposal is in keeping with the intent of the Cottonwood Heights Zoning Ordinance***
45 ***because it is allowed in the R-1-8 Zone and is the same us as surrounding properties;***
46

1 *Don Antczak seconded the motion. Vote on motion: Rich Robinson-Aye, Noor Ul-Hasan-Aye,*
2 *Pete Ellison-Aye, Don Antczak-Aye. The motion passed unanimously.*

3
4 **2.3 Approval of the July 13, 2017 Minutes.**

5
6 *Pete Ellison moved to approve the July 13, 2017 Minutes. Don Antczak seconded the motion.*
7 *Vote on motion: Rich Robinson-Aye, Noor Ul-Hasan-Aye, Pete Ellison-Aye, Don Antczak-Aye.*
8 *The motion passed unanimously.*

9
10 **3.0 ADJOURNMENT**

11
12 *Pete Ellison moved to adjourn. Don Antczak seconded the motion. Vote on motion: Rich*
13 *Robinson-Aye, Noor Ul-Hasan-Aye, Pete Ellison-Aye, Don Antczak-Aye. The motion passed*
14 *unanimously.*

15
16 The Board of Adjustment Meeting adjourned at 6:12 p.m.

1 *I hereby certify that the foregoing represents a true, accurate, and complete record of the*
2 *Cottonwood Heights City Board of Adjustment Meeting held Thursday, July 13, 2017.*

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9 Teri Forbes

10 T Forbes Group

11 Minutes Secretary

12

13

14 Minutes approved: October 23, 2017