

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

3  
4 **Thursday, August 10, 2017**

5 **6:00 p.m.**

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

9 **ATTENDANCE**

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11 **Members Present:** Chair Noor Ul-Hasan, James Adinaro, Don Antczak, Pete Ellison, Rich  
12 Robinson and Doug Folsom  
13

14 **Staff Present:** Senior Planner Michael Johnson, City Planner Andrew Hulka, City  
15 Attorney Shane Topham, City Recorder Paula Melgar  
16

17 **WORK SESSION**

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19 **1.0 Review Business Meeting Agenda.**  
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21 Staff reviewed the agenda items, which were then subsequently reviewed by the Board. There was  
22 a brief discussion regarding the efficiency of holding Work Sessions prior to regularly scheduled  
23 Board Meetings.  
24

25 **BUSINESS MEETING**

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27 **1.0 WELCOME/ACKNOWLEDGMENTS**  
28

29 Chair Noor Ul-Hasan called the meeting to order and welcomed those in attendance.  
30

31 **2.0 ACTION ITEMS**  
32

33 **2.1 (Project #BOA 17-006) Action on a Request from John and Linda Stout for the**  
34 **Expansion of a Non-Complying Structure at 7041 South 2700 East.**  
35

36 Senior Planner, Michael Johnson, presented the staff report and stated that the proposal is to  
37 expand a non-complying structure by adding a deck to an existing home at the address listed above.  
38 An aerial map of the subject property was presented for the Board's reference. It was noted that  
39 the home is located across from an elementary school. The property is in the R-1-8 Single-Family  
40 Residential Zone. A site plan was presented that showed the existing and proposed setbacks as  
41 part of the request. The existing setbacks include eight-foot side yard setbacks on the north side  
42 of the property, approximately four feet on the south side of the property, and the rear yard on the  
43 east side of the property has a setback of 13 feet. Since the County records show that the structure  
44 was constructed in 1973, prior to the incorporation of the City, and is thereby classified as a non-  
45 conforming structure. Any application to expand the property requires approval from the Board  
46 of Adjustment.

1 The required setbacks in the R-1-8 Zone are a minimum of eight feet, with a minimum combined  
2 setback of 20 feet for both the side and rear yards. The proposed deck will be constructed on the  
3 rear yard within the existing non-conforming setback. Therefore, the applicant was not proposing  
4 to further encroach on any existing neighboring properties. City Ordinance indicates that any  
5 expansion to non-complying structures is allowed with approval from the Board of Adjustment.  
6 Furthermore, City Code requires that the proposed structure does not impose any unreasonable  
7 burdens on property located in the vicinity of the non-conforming use. Staff found that there was  
8 no unreasonable burden with the proposal as outlined. Staff recommended approval of the request  
9 based on the following findings:

- 10
- 11 1. The proposal will not negatively affect the surrounding properties.
- 12 2. The proposal will not create any additional congestion on the streets or roads.
- 13 3. The proposal will not create a fire safety issue.
- 14 4. The proposal will not affect air flow or block natural light.
- 15 5. The proposal is permitted in the R-1-8 Zone.
- 16 6. The proposal is the same land use as the surrounding properties.
- 17 7. The proposal will not place any type of unreasonable burden upon neighboring  
18 properties.
- 19 8. The proposal is in keeping with the intent of the Cottonwood Heights Zoning  
20 Ordinance.
- 21

22 *Board Member Ellison moved to approve the request from John and Linda Stout for the*  
23 *expansion of a non-complying structure at 7041 South 2700 East. Board Member Antczak*  
24 *seconded the motion. Vote on motion: Chair Noor Ul-Hasan-Aye, James Adinaro-Aye, Don*  
25 *Antczak-Aye, Pete Ellison-Aye, Rich Robinson-Aye, Doug Folsom-Aye. The motion passed*  
26 *unanimously.*

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### 28 **2.2 Approval of the August 10, 2017 Minutes.**

## 29

30 Chair Noor Ul-Hasan reported that the Board of Adjustment will approve the minutes of the  
31 August 10, 2017 meeting after the following process is met. The Recorder will prepare the minutes  
32 and email them to each Board Member. The Members will then have five days to review the  
33 minutes and submit any changes to the Recorder. If, after five days there are no changes, the  
34 minutes will stand approved. If there are changes, the process will be followed until the changes  
35 are made and the Board is in agreement, at which time the minutes shall be deemed approved.

### 36

### 37 **3.0 ADJOURNMENT**

### 38

39 The Board of Adjustment Meeting adjourned at 6:22 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, August 10, 2017.*

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Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes approved: September 5, 2017