



PROJECT: BOA-16-008

LOCATION: 2177 East Lonsdale Drive

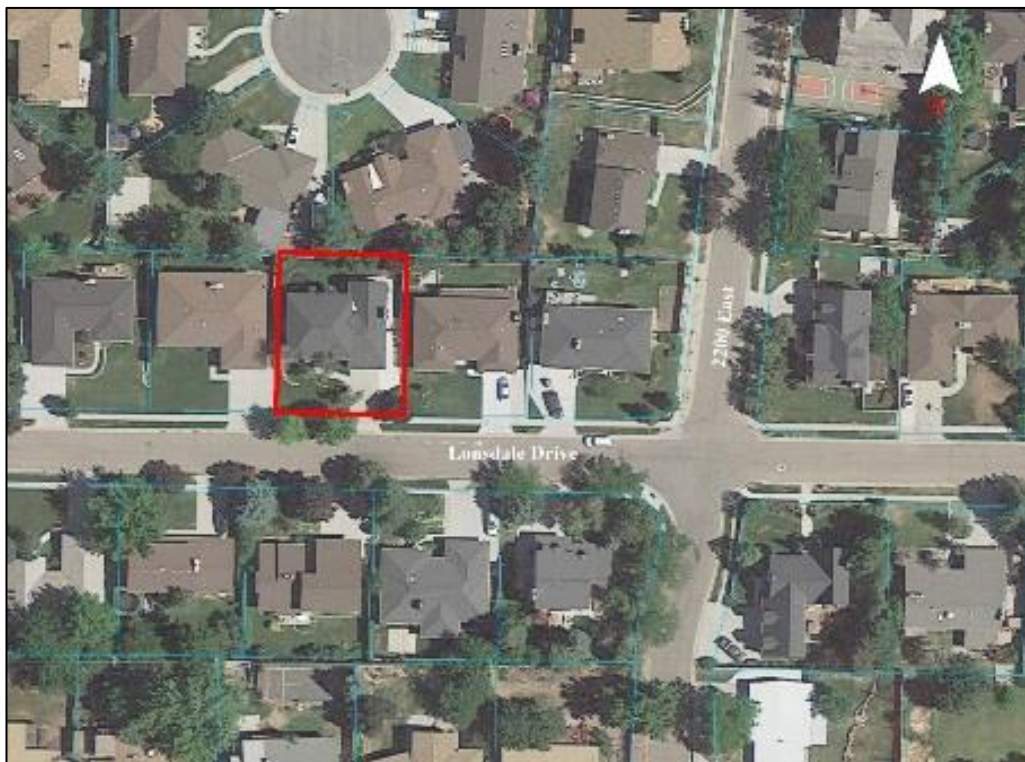
APPLICANT: Jeff & Margaret Larsen

RECOMMENDATION: APPROVAL

APPLICANT'S PROPOSAL

The applicant's proposal is for an expansion of a non-complying structure by enclosing a portion of an existing deck, located at 2177 East Lonsdale Drive. Chapter 19.92 of the zoning ordinance allows for the expansion of or addition to non-complying structures upon approval from the Board of Adjustment.

The new enclosed space is proposed to have a weather overhang, which will occur within the footprint of the current structure and staircase, and will be 3 to 4 feet in depth. Although the overhang forces the staircase towards the rear of the property by 3 additional feet, the amount is minimal and incidental because the stairs, which might otherwise be omitted, are a building code requirement.



BACKGROUND

The subject parcel is located in the R-1-8 residential zone on the north side of Lonsdale Drive at 2177 East. The existing deck is elevated, and the proposal is to create new living space below the deck, within the existing footprint of the deck, as well as to have a weather overhang between 3 and 4 feet deep.

Current R-1-8 Single-Family Residential setback requirements are as follows:

- Front – 25'
- Sides – 8' on one side, with a total of 20'
- Rear – 20'

The adjacent properties to the north, south, east and west are located in the R-1-8 zone.

The proposed addition is located on the north side of the existing structure, in the rear of the building.

Context

Staff finds that the proposed addition introduces no unreasonable impact, given that the enclosure occurs within the footprint of the existing deck structure. Staff finds that the proposed addition itself does not create any additional nonconformity. The addition of stairs on the rear side of the deck is a building code requirement, and will encroach 3 additional feet into the rear yard, and for only a portion of the length of the existing deck.

Ordinance 19.88.070 – Additions, Enlargements, Moving and Reconstruction of Building (Noncomplying Buildings and Nonconforming Uses).

The Cottonwood Heights zoning ordinance 19.88.070 provides relief from the literal enforcement of the zoning ordinance by allowing for the enlargement of a structure non-conforming as to area and dimensional standards of the ordinance. Ordinance 19.88.070 states:

- A. A building occupied by a nonconforming use and a building noncomplying as to height, area or yard regulations shall not be added to or enlarged in any manner or moved to another location on the lot or reconstructed at another location on the lot except as provided by subsection B of this section unless such additions and enlargements comply with the regulations and intent of this title.*
- B. A building occupied by a nonconforming use or a building noncomplying as to height, area or yard regulations may be added to or enlarged or moved to a new location on the lot or reconstructed at a new location on the lot upon a permit authorized by the board of adjustment, provided that the board of adjustment, after the hearing, shall find:*
 - 1. The addition to, enlargement of, moving of, or reconstruction of the noncomplying building at a new location on the lot will be in harmony with one or more of the purposes stated in section 19.02.020, and shall be in keeping with the intent of this title;*
 - 2. That the proposed change does not impose any unreasonable burden upon the lands located in the vicinity of the nonconforming use or noncomplying building.*

IMPACT ANALYSIS

Ordinance 19.88.070 requires that in order for a permit to be authorized, that the board of adjustment finds:

1. The addition to, (or) enlargement of, ... the noncomplying building at a new location on the lot will be in harmony with one or more of the purposes stated in section 19.02.020, and shall be in keeping with the intent of this title.

Ordinance 19.02.020 states the following:

19.02.020 Purpose of provisions.

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.

Staff Analysis: Staff finds that the proposal will not negatively affect the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the city, and will not create any additional congestion in the streets or roads, will not create a fire safety issue, will not affect air flow or block natural light from adjoining properties, is a land use type permitted in the R-1-8 zone and is the same land use type as surrounding properties, and has no negative effect on the city's tax base.

2. [Continued from 19.88.070] That the proposed change does not impose any unreasonable burden upon lands located in the vicinity of the nonconforming use or noncomplying building.

Staff Analysis: Staff finds that the proposal will not place any unreasonable burden upon neighboring properties because the addition of the stairs is a building code requirement, which creates minimal impact on the setback, and the stairs do not extend the entire length of the deck.

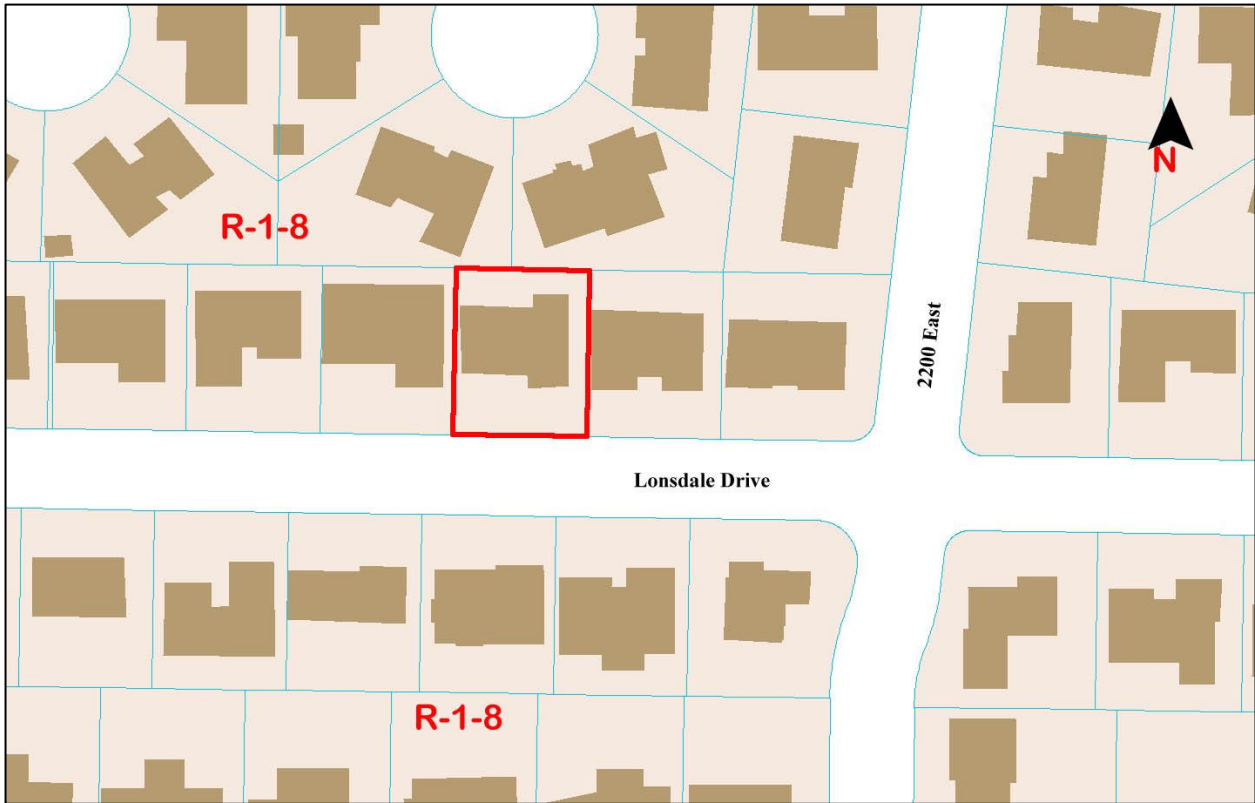
RECOMMENDATIONS & FINDINGS

Staff recommends APPROVAL of the expansion of a non-complying structure with the following findings:

1. The proposal 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 currently exists;
2. The proposal will not create any additional congestion in the streets or roads;
3. The proposal will not create a fire safety issue. All fire code issues will be reviewed and addressed via site plan review and building permit review subsequent to any board of adjustment decision;
4. The proposal will be subject to all conditional use, site plan review, and building permit review standards;
5. The proposal will not affect air flow or block natural light from the adjoining properties by conforming with all height regulations;

6. The proposed use of the addition is required to comply with allowed uses in the city's Neighborhood Commercial zone, and will be subject to review by the city's planning commission;
7. The proposal will cause no negative impact on the city's tax base;
8. The proposal will not place an unreasonable burden on neighboring properties;
9. The proposal keeps and maintains the intent of the Cottonwood Heights zoning ordinance.

CONTEXT ZONING



SAMPLE MOTIONS

Motion for Approval

I move that we approve project BOA 16-008, a request by Jeff & Margaret Larsen, for the expansion of a non-complying structure at 2177 East Lonsdale Drive, based on the findings in the staff report

- *List and additional findings...*

Motion for Denial

I move that we deny project BOA 16-008, a request by Jeff & Margaret Larsen, for the expansion of a non-complying structure at 2177 East Lonsdale Drive, based on the following findings:

- *List findings for denial...*

