

1 approximately two feet. Officer Guymon suggested that it may be appropriate to impose an overall
2 restriction on the square footage to manage the scope of the project.

3
4 The applicant, Scott Garrett, reported that he and his wife have mobility issues. They have been
5 looking for a one-level single-level home and would like to remain in Cottonwood Heights. With
6 regard to parking, Mr. Garrett stated that the existing home has a two-car garage. The new
7 structure will have a three-car garage. There is a fence along the entire boundary of the property
8 that will be replaced with either a concrete fence or composite fence.

9
10 Officer Guymon opened the public hearing.

11
12 Kenneth Lafazan gave his address as 7313 South 2930 East and expected that the City will want
13 to make the new portion of the structure conforming and leave the existing structure non-
14 conforming in the event the garage is ever removed. It seemed to him that the City would also
15 want to move the side yards for safety reasons. He questioned why the current side yard setback
16 requirement was not imposed on the new construction and allow the existing non-conforming
17 portion to stay in place.

18
19 Officer Guymon explained that the City has specific ordinances that address considerations when
20 determining whether to expand or increase a non-conforming use. Currently, the side yard
21 setbacks require 20 feet total. The existing home has eight feet on each side. The use is
22 grandfathered because it was built before the Code requirements were imposed. The applicants
23 now want to expand the building and maintain the current side yard setback. The staff report
24 further describes staff's analysis and shows that what is proposed is consistent with other non-
25 conforming uses that have been expanded in the neighborhood.

26
27 Darrell Faraday a nearby resident, asked if was possible to make a decision that applies to the
28 neighboring lots as well since most have a similar set of circumstances. Officer Guymon
29 responded that because they are looking at an application that would expand the existing non-
30 conforming nature of the use, they want to look at requests individually to understand the scope,
31 size, and nature of the impact. He did not see any interest in rezoning the entire neighborhood at
32 the present time.

33
34 Maxine Fors gave her address as 2920 East Banbury Road. She viewed the proposal as an
35 improvement to the area and expressed her support. In response to a question raised, Mr. Garrett
36 estimated that the proposed structure will be about 30 feet from the rear property line.

37
38 There were no further public comments. The public hearing was closed.

39 40 **3.0 ACTION ITEMS**

41 42 **3.1 (Project #BOA-18-001) Action on a Request from Scott Garrett for the Expansion of** 43 **a Non-Complying Structure at 2922 East 7375 South.**

44
45 In response to a question raised, Mr. Johnson reported that the property is in the R-1-8 zone and is
46 subject to the current lot coverage restriction, which is 50% of the total lot area. Staff found that

1 to be adequate in most cases. Fencing was determined to be outside the purview of this discussion.
2 Officer Guymon reported that he reviewed the staff report, ordinances, and materials submitted by
3 the applicants and has the authority to hear and decide the matter pursuant to the adopted
4 ordinance. The proposal was to expand a non-compliant structure by constructing an addition onto
5 the rear of the home. The ordinance requires the City consider whether the proposal is consistent
6 with the Purpose Statement. Staff determined that it is in compliance.
7

8 *For the reasons set forth in the analysis and in the staff report and considering the relevant*
9 *information, Officer Guymon APPROVED the application to expand the subject non-*
10 *conforming residence subject to the following requirements:*

- 11
- 12 *1. A building permit must be obtained prior to construction to ensure that safe building*
13 *standards are followed.*
- 14
- 15 *2. The expanded structure shall not have a side setback of less than eight feet on either side*
16 *of the home.*
- 17
- 18 *3. The structure shall otherwise comply with the approvable Building Code requirements.*
19

20 *A written “Appeals Hearing Officer Decision” explaining the analysis and decision was signed*
21 *and dated by Officer Guymon, with a duplicate original given to the Applicant.*

22 **3.2 Approval of March 21, 2018, Minutes.**

23

24 Mr. Johnson reported that the minutes will be approved pending the process set forth.

25

26

27 **4.0 ADJOURNMENT**

28

29 The Board of Adjustment Meeting adjourned at approximately 5:20 p.m.

1 *I hereby certify that the foregoing represents a true, accurate, and complete record of the*
2 *Cottonwood Heights City Appeals Hearing Officer Meeting held Wednesday, March 21, 2018.*

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Teri Forbes
T Forbes Group
Minutes Secretary

Minutes approved: March 21, 2018