



COTTONWOOD HEIGHTS CITY
DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

APPEALS HEARING OFFICER MEETING AGENDA

September 10, 2020

Notice is hereby given that the Cottonwood Heights Appeals Hearing Officer will hold a Business Meeting beginning at **5:00 p.m. on Thursday, September 10th, 2020**. In view of the current COVID-19 pandemic, this meeting will occur electronically without a physical location, as authorized by the Governor's Executive Order 2020-05 dated March 18, 2020 and related legislation enacted by the Utah Legislature since that date. (See the attached written determination of the Appeals Hearing Officer that conducting this meeting with a physical anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location). The public may remotely hear the open portions of the meeting through live broadcast by connecting to <http://mixlr.com/chmeetings>.

To View the Business Meeting: Each citizen desiring to view the Business Meeting must register in advance to view the online video broadcast at the following link: <https://cwh.zoom.us/j/95233222193>. Each registrant will receive a confirmation email containing information about joining the webinar.

5:00 p.m. BUSINESS MEETING

1. Welcome and Acknowledgements

2. Action Items

2.1. (Project AHO-20-001)

Action on a request from Kent Withers (on behalf of Charles Koehn) for an addition to an existing legal non-conforming building at 7784 S. Caballero Dr.

3. Consent Agenda

3.1. Approval of September 10, 2020 Minutes

(The Appeals Hearing Officer will approve the minutes of the September 10, 2020 meeting after the following process is met. The recorder will prepare the minutes and email them to the hearing officer. The hearing officer will have five days to review the minutes and provide any changes to the recorder. If, after five days there are no changes, the minutes will stand approved. If there are changes, the process will be followed until the changes are made and the hearing officer is in agreement, at which time the minutes shall be deemed approved.)

4. Adjournment

Meeting Procedures

Items will generally be heard in the following order:

1. Staff Presentation
2. Applicant Presentation
3. Open Public Hearing (if item has been noticed for public hearing). Each speaker during the public hearing will be limited to three minutes.
4. Close Public Hearing
5. Appeals Hearing Officer Deliberation
6. Appeals Hearing Officer Decision

*Appeals Hearing Officer applications may be tabled if: 1) Additional information is needed in order to act on the item; OR 2) The Appeals Hearing Officer feels there are unresolved issues that may need further attention before the Officer is ready to make a decision. **NO agenda item will begin after 9 pm** without approval from the Appeals Hearing Officer. The Appeals Hearing Officer may carry over agenda items, scheduled late in the evening and not heard, to the next regularly scheduled meeting.*

Submission of Written Public Comment

Written comments on any agenda item should be received by the Cottonwood Heights Community and Economic Development Department no later than the day prior to the meeting at noon. Comments should be emailed to ahulka@ch.utah.gov. After the public hearing has been closed, the Appeals Hearing Officer will not accept any additional written or verbal comments on the application.

Notice of Participation by Telephonic/Digital Means

The Appeals Hearing Officer may participate in the meeting via telephonic communication. If the Appeals Hearing Officer does participate via telephonic communication, the Officer will be on speakerphone. The speakerphone will be amplified so that the all other persons present in the room will be able to hear all discussions.

Notice of Compliance with the American Disabilities Act (ADA)

In compliance with the Americans with Disabilities Act, individuals needing special accommodations or assistance during this meeting shall notify the City Recorder at (801)944-7021 at least 24 hours prior to the meeting. TDD number is (801)270-2425 or call Relay Utah at #711.

Confirmation of Public Notice

On September 4th, 2020 by 5:00 p.m. a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Cottonwood Heights City Offices, Cottonwood Heights, Utah. The agenda was also posted on the City’s website at www.ch.utah.gov and the State Public Meeting Notice website at <http://pmn.utah.gov>.

DETERMINATION OF THE APPEALS HEARING OFFICER CONCERNING AN ANCHOR LOCATION

Pursuant to UTAH CODE ANN. 52-4-207(4), the Cottonwood Heights Appeals Hearing Officer hereby determines that conducting this Appeals Hearing Officer meeting at an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. It is well recognized that a global pandemic currently exists related to the COVID-19 coronavirus, which has the potential to overwhelm Utah’s healthcare system. Therefore, due to the state of emergency caused by the global pandemic, I find that conducting a meeting at an anchor location under the current state of public health emergency constitutes a substantial risk to the health and safety of those who may be present at the location.

Signature

Date

DATED THIS 4th DAY OF SEPTEMBER, 2020
Paula Melgar, City Recorder



APPEALS HEARING OFFICER STAFF REPORT

Expansion of a Non-Conforming Structure

Meeting Date: September 10, 2020

Staff Contact: Andy Hulka, Senior Planner

Summary

Applicant:

Kent Withers (on behalf of Charles Koehn)

Subject Property:

7784 S. Caballero Dr.

Action Requested:

Expansion of a Non-Conforming Structure

Recommendation:

APPROVE, with conditions

Project #:

AHO-20-001



Aerial View

Context

Property Owner:

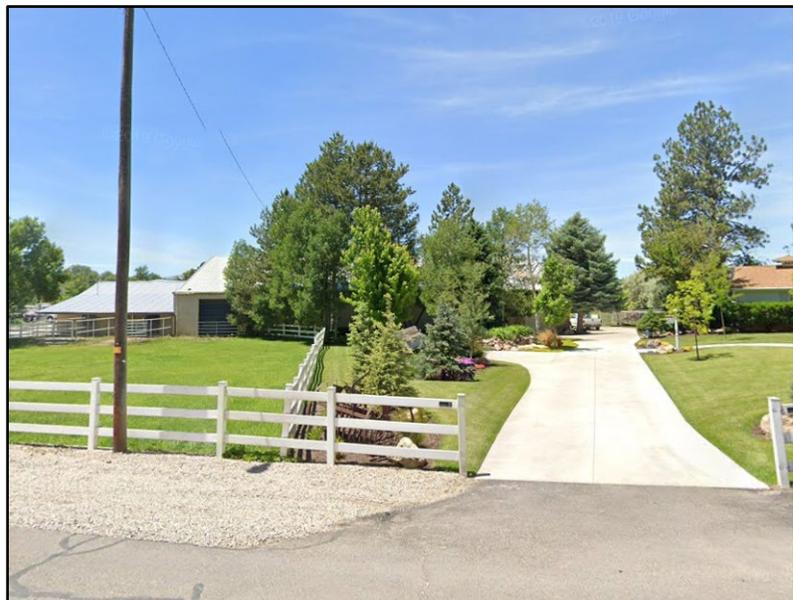
Charles & Joyce Koehn

Acres:

1.28 acres

Parcel #:

22-28-453-039



Street View

Site Photos



Aerial View, looking west, with existing and proposed property lines in red and approximate location of proposed addition in yellow

Zoning

Site:

RR-1-43: Rural Residential

Surrounding Properties:

RR-1-43: Rural Residential

RR-1-29: Rural Residential



Analysis

Request

The applicant's proposal is to expand a non-conforming structure by constructing a shop/garage addition to an existing riding arena building at 7784 S. Caballero Dr. The existing arena building is non-conforming to the structure massing requirements for accessory uses. The zoning ordinance requires accessory buildings to be smaller than primary buildings (19.04.030) and to cover no more than 25% of the rear yard (19.76.030). The current arena building is 13,006 sq. ft., which is significantly larger than the primary residence on the property (approx. 3,000 sq. ft.) and covers approximately 37% of the rear yard area.

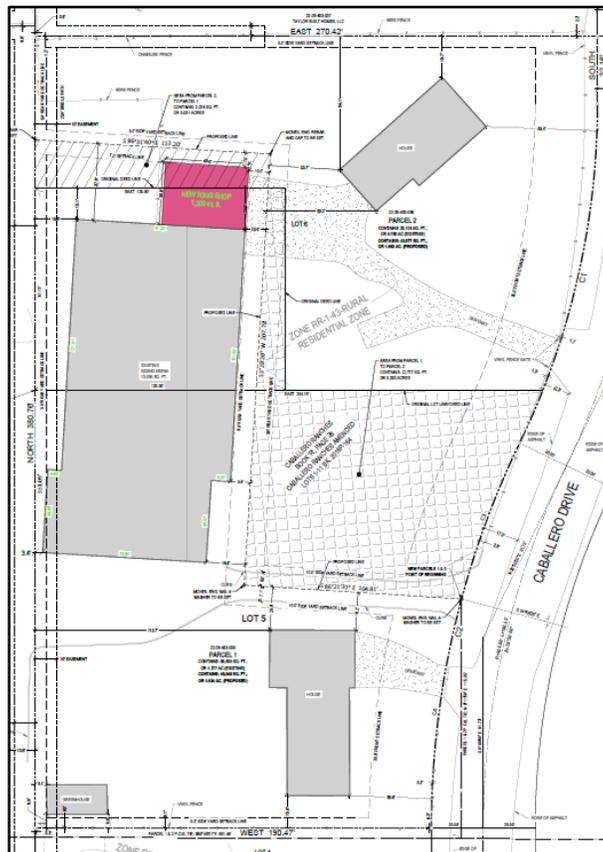
19.04.030 Accessory use.

A use that is customarily incidental, appropriate and subordinate to the principal use of land or building(s) and that is located upon the same lot therewith (i.e., the land/building area that is used for the accessory use must be significantly less than that used for the primary use, and/or the gross receipts/income that is derived from the accessory use must be significantly less than that derived from the primary use).

19.76.030 Structures, bulk and massing requirements.

B. Accessory buildings—Area of coverage and building area.

1. *No accessory building or group of accessory buildings in any residential zone shall cover more than 25% of the rear yard.*



Proposed site plan

Context

The arena building was constructed in 1974, under the jurisdiction of Salt Lake County, at a time when the area was largely rural and agricultural. The existing structure is considered to be a non-conforming structure which “legally existed before its current land use designation and, because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations which govern the use of the land” (19.04.1800 – Definitions, “Noncomplying Structure”).

The applicant’s proposal to construct a 1,200 sq. ft. shop/garage addition to the existing arena building constitutes a request to expand a non-conforming building. If the addition is approved, the building will cover more rear yard area and will be larger than the primary dwelling.

- Existing Arena 13,006 sq. ft.
- Existing Rear Yard = approx. 35,500 sq. ft.
- Existing Rear Yard Coverage = 37%

- Proposed Arena + Shop = 14,206
- Proposed Rear Yard = approx. 35,600 sq. ft.
- Proposed Rear Yard Coverage = 40%

For the addition to meet the setback requirements for accessory structures, the lot lines must also be adjusted (a separate application and approval by staff is required for lot line adjustments). The adjacent parcel at 7754 S. Caballero Dr. does not currently meet the minimum lot size standards in the RR-1-43 zone. The required lot line adjustment would bring this property into compliance with the lot size standard.

- Existing Lot Size (7784 S. Caballero Dr.) = 1.28 acres (55,600 sq. ft.)
- Existing Lot Size (7754 S. Caballero Dr.) = 0.76 acres (33,124 sq. ft.)

- Proposed Lot Size (7784 S. Caballero Dr.) = 1.034 acres
- Proposed Lot Size (7754 S. Caballero Dr.) = 1.003 acres (43,677 sq. ft.)
- Minimum Lot Size (RR-1-43 Zone) = 1 acre (43,560 sq. ft.)

Analysis: Staff finds that the proposed addition does not impose any unreasonable burden upon the lands located in the vicinity of the non-conforming use. While the proposed addition does increase the size and coverage of the existing non-conforming arena building, the request does not create any new nonconformities and also provides an opportunity to bring a substandard lot into conformity with minimum lot size standards.

Appeals Hearing Officer Authority

Chapter 19.88 of the Cottonwood Heights Zoning Ordinance allows for additions to non-conforming structures upon approval from the city’s Appeals Hearing Officer:

19.88.070 Additions, enlargements, moving and reconstruction of building.

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 Appeals Hearing Officer provided that the Appeals Hearing Officer, 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.*

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.

Recommendation & Findings

Staff recommends APPROVAL of the request for an expansion of a non-conforming 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;
4. The proposal will not affect air flow or block natural light from adjoining properties by conforming with all height regulations;
5. The proposal will have no apparent negative effect on the city's tax base;
6. The proposal will not place any type of unreasonable burden upon neighboring properties;
7. The proposal is in keeping with the intent of the Cottonwood Heights Zoning Ordinance.

Staff recommends the following conditions of approval:

1. The applicant must complete a lot line adjustment that meets the setback and lot size standards of the RR-1-43 Rural Residential zone.

Attachments

1. Applicant Narrative
2. Plans