



Sandy City, Utah

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Sandy, UT 84070
Phone: 801-568-7141

Minutes Summary

Board of Adjustment

Thursday, February 10, 2022

5:15 PM

On-line

Meeting procedures are found at the end of this agenda.

Electronic Meeting

Board of Adjustment Chairman Statement

In accordance with, Utah Code 52-4-207(4) Open and Public Meeting Act, I have determined that to protect the health and welfare of Sandy citizens, an in person Board of Adjustment meeting, including attendance by the public and the Board of Adjustment is not practical or prudent.

Considering the continued rise of COVID-19 case counts in Utah, meeting in an anchor location presents substantial risk to the health and safety of those in attendance because physical distancing measures may be difficult to maintain in the Sandy City Council Chambers.

The Center for Disease Control states that COVID-19 is easily spread from person to person between people who are in close contact with one another. The spread is through respiratory droplets when an infected person coughs, sneezes or talks and may be spread by people who are non-symptomatic.

It is my intent to safeguard the lives of Sandy residents, business owners, employees and commission members by meeting remotely through electronic means without an anchor location.

Community Development staff are hereby authorized and directed to include a copy of the above notice with each Board of Adjustment agenda.

Tyler Brown, Chair
Sandy City Board of Adjustment

The February 10, 2022 Sandy City Board of Adjustment meeting will be conducted via Zoom Webinar. Public comment may be allowed after the presentation of the particular item by the Staff and Applicant, as directed by the Board of Adjustment Chairperson. Each speaker is allowed two minutes. Citizens wishing to comment must access the meeting via the Zoom Webinar link below and must use the "raise hand" feature. The call-in number is for listening only. If a citizen is unable to attend a meeting via Zoom, he or she may e-mail the Zoning Administrator at mwilcox@sandy.utah.gov by 3:00 PM the day of the Board of Adjustment meeting to have those comments distributed to the Board members and/or have them read into the record at the appropriate time.

Register in advance for this webinar:
https://us02web.zoom.us/j/81444374471

After registering, you will receive a confirmation email containing information about joining the webinar.

Or join by phone:

Dial (for higher quality, dial a number based on your current location):

US : +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782 or +1 312 626 6799 or +1 929 436 2866 or +1 301 715 8592

Webinar ID: 814 4437 4471

Passcode: 341146

FIELD TRIP

[22-039](#) Field Trip Map for Board Members (Visit Individually)

5:15 PM EXECUTIVE SESSION

Board Member and Open Meetings Act Training

6:30 PM REGULAR SESSION

Welcome

Pledge of Allegiance

- Present** 4 - Regular Member Brian Jones
Regular Member Bruce Bryner
Steven Wrigley
Regular Member Burke Staker
- Absent** 2 - Matt Hale
Regular Member Tyler Brown

Introductions

Public Meeting Item

[BOA0117202](#) Rozenfeld Variance Request
[2-006252](#) 3802 E Catamount Ridge Way
[Community #30 - Granite]

Michael Wilcox, Zoning Administrator, presented the staff report to the Board of Adjustment.

Brian Jones, Board of Adjustment Vice Chairperson, opened the meeting to public comment.

Yuri Rozenfeld, applicant, presented his case to the Board of Adjustment regarding his request for a variance.

Kelli Buttars, 3626 Little Cottonwood Lane, is the real estate agent representing the seller. She is in support of granting the variance for the buyer.

Steve Van Maren, 11093 S Lexington Circle, asked that additional requirements be placed on the variance.

Kent Hoggans, developer of land 26 years ago, has some concerns regarding the development of the lot but is in favor of having the lot developed.

Brian Jones closed the meeting to public comment.

Board members discussed the variance between themselves.

Burke Staker asked for some clarification on rock fall protection regarding this lot.

Ryan Kump, City Engineer, answered his concerns regarding rock fall protection.

Burke Staker expressed some concerns regarding the road plans for entrance into this lot.

Yuri Rozenfeld addressed those concerns.

Lynn Pace, City Attorney, discussed the easements and concerns of the roads on this lot for fire and public utility access.

Mike Wilcox explained where the waterline and the public utility easement is located on the lot.

Mike Wilcox asked that two additional conditions be considered with approval of the variance.

Discussion among staff regarding the roads and lot design.

A motion was made by Burke Staker, seconded by Steven Wrigley, that this The Board should approve the Rozenfeld variance regarding the property located at 3802 E Catamount Ridge Way based upon the following findings and conditions to mitigate the negative impacts of said variance:

Findings:

- 1. Literal enforcement of the zoning ordinance will cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance. (Literal enforcement of the zoning ordinance would not allow any home to be built on this platted subdivision lot, depriving the lot of nearly all economic value, as nothing else could be built there.)**

2. There are special conditions attached to the property that do not generally apply to other properties in the same zone. (The property is severely limited by a difficult and small building envelope. Other homes in this vicinity have been granted similar variances or special exceptions in order to allow construction.

3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district . The owner should be allowed to build a home.

4. The variance will not substantially affect the general plan and will not be contrary to the public interest. The plan provides for homes in this area and it was previously approved by the county so people are on notice that a home would be there.

5. The spirit of the zoning ordinance is observed and substantial justice will be done by granting this variance. (Not granting this variance would not allow any construction on this parcel and staff is working to mitigate the intrusion into the hillside.)

Conditions:

1. All proposed retaining walls be designed to follow the City Engineer's recommendations, including rock fall mitigation measures.
2. If the development of the dwelling as proposed creates cuts and fills over 10 feet in height, that they seek a special exception from the Planning Commission prior to issuance of a building permit.
3. That the Planning Commission review a detailed grading plan of the lot prior to issuance of a building permit which shows the proposed grading, cuts, fills, or terracing on the continuous hillside of 30% or greater slope.
4. That a vegetation plan, in accordance with Development Code Section 21-15-4(b)(3) be reviewed and approved by staff prior to issuance of a building permit to ensure the disturbed areas of the lot are properly restored, and drainage and slope stability issues are mitigated.
5. That the proposed home be allowed to be constructed to a footprint no larger than 2,455 square feet (including the garage area) in order to reduce the impact to the hillside and reduce the amount of disturbance to the natural vegetation.
6. That the area behind the home and driveway that is to be disturbed to construct the home be limited to an average of twenty feet (20'). That a limit of disturbance be placed at the existing 5420' elevation contour in order to reduce the impact to the hillside and reduce the amount of disturbance to the natural vegetation.
7. That the driveway width be limited to eighteen-foot (18') maximum and a depth of at least twenty feet (20') before tapering to a minimum twelve-foot (12') wide drive approach, fourteen foot (14') maximum, in order to reduce the impact to the hillside and reduce the amount of disturbance to the natural vegetation.
8. That all reports, plans, studies, and reports required by the City Engineer and

Section 21-15, Sensitive Area Overlay be completed prior to issuance of a building permit and approval of an engineered site plan.

9. That the buildable area be limited to be no closer than ten feet (10') within an existing water line or within a public utility easement.

10. That a conservation easement or restrictive covenant be recorded that restricts any further expansion of the approved building envelope or the construction of any further structures or further disturbance upon the property.

... The motion carried by the following vote:

- Yes: 4 - Brian Jones
Bruce Bryner
Steven Wrigley
Burke Staker

Administrative Business

[22-040](#)

Election of Chair and Vice Chair for 2022

Motion made for Tyler to remain chair and Brian Vice Chair.

A motion was made by Brian Jones, seconded by Burke Staker, that Tyler Brown remain chairperson and Brian Jones remain vice chairperson for another year.

- Yes: 4 - Brian Jones
Bruce Bryner
Steven Wrigley
Burke Staker

Adjournment

A motion was made by Burke Staker, seconded by Brian Jones, that the meeting be Adjourned. The motion carried by the following vote:

- Yes: 4 - Brian Jones
Bruce Bryner
Steven Wrigley
Burke Staker

Meeting Procedure

1. Staff Introduction
2. Developer/Project Applicant presentation
3. Staff Presentation
4. Open Public Comment (if item has been noticed to the public)
5. Close Public Comment
6. Planning Commission Deliberation
7. Planning Commission Motion

In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comments will be limited to 2 minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Comments which cannot be made within these time limits should be submitted in writing to the Community Development Department prior to noon the day before the scheduled meeting.

Planning Commission applications may be tabled if: 1) Additional information is needed in order to take action on the item; OR 2) The Planning Commission feels there are unresolved issues that may need further attention before the Commission is ready to make a motion. No agenda item will begin after 11 pm without a unanimous vote of the Commission. The Commission may carry over agenda items, scheduled late in the evening and not heard, to the next regular scheduled meeting.

In compliance with the Americans With Disabilities Act, reasonable accommodations for individuals with disabilities will be provided upon request. For assistance, or if you have any questions regarding the Planning Commission Agenda or any of the items, please call the Sandy City Planning Department at (801) 568-7256