## Meeting Agenda

Board of Adjustment

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/s/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 3462487799 or +1 6699006833 or +1 2532158782 or +1 3126266799 or +1 9294362866 or +1
3017158592
Webinar ID: 81444374471
Passcode: 341146

## FIELD TRIP

22-039 Field Trip Map for Board Members (Visit Individually)
Attachments: $\quad \underline{\text { 2-10-22 Map }}$

## 5:15 PM EXECUTIVE SESSION

Board Member and Open Meetings Act Training

## 6:30 PM REGULAR SESSION

## Welcome

Pledge of Allegiance

Introductions

## Public Meeting Item

| BOA0117202 | Rozenfeld Variance Request |
| :---: | :---: |
| 2-006252 | 3802 E Catamount Ridge Way [Community \#30 - Granite] |
| Attachments: | Rozenfeld Variance Request Staff report |
|  | Application Materials |
|  | Vicinity Map |
|  | VARIANCE Motion Form |

## Administrative Business

22-040 Election of Chair and Vice Chair for 2022

## Adjournment

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

# Sandy City, Utah 

Field Trip Map for Board Members (Visit Individually)

## Board of Adjustment Field Trip February 10, 2022



# Attachment E. 6 

Sandy City, Utah

Staff Report

## File \#:

Date: 2/10/2022
BOA01172022-006252,
Version: 1

## Agenda Item Title:

Rozenfeld Variance Request
3802 E Catamount Ridge Way
[Community \#30 - Granite]

## Presenter:

Mike Wilcox

## Description/Background:

Yuri Rozenfeld ("Applicant"), representing the property owner Ying Li Peng, filed a request with the Sandy City Board of Adjustment for a variance from Section 21-15-4(a)(1)(a) and 21-15-4(a)(2)(a) of the Sandy City Land Development Code. The property is located at 3802 E Catamount Ridge Way (see the attached Vicinity Map). The Applicant has the property, Lot 8 of the Little Cottonwood View Estates Subdivision (see the attached Subdivision Plat), under contract to purchase and the owner has authorized him to make this request in his behalf. He is requesting to construct a new home within a hillside slope in excess of thirty percent (30\%) grade, which is classified as a lot within the Sensitive Area Overlay Zone (see attached Applicant's Variance Request Letter \& Materials). The Sandy City Land Use Development Code prohibits the construction of a dwelling upon areas of thirty percent (30\%) grade or greater slope, unless the Board of Adjustment grants a variance.

A full detailed staff report is attached.

## Recommended Action and/or Suggested Motion:

The Board should carefully consider the conditions listed above before rendering a decision on each of the requested variances (individually or collectively) and should follow the law as outlined above. As stated previously, the Applicants bear the burden of proof in showing that all of the conditions justifying a variance have been met. Based upon our analysis of the letter requesting the variances and the standards and conditions required to grant a variance, we recommend that the Board approve the requests as presented.

Staff would recommend approval of the variance, as outlined in the staff report, for 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. The Applicants have met the conditions required by statute for said variance (the Board will need to support this statement with a more detailed set of findings on each of the requirements for a variance (see the sample Variance Motion Form attached hereto)).

File \#:
Date: 2/10/2022
BOA01172022-006252,
Version: 1
2. The City Engineer has found that the land is suitable for development after reviewing the applicant's informational reports and plans.
3. The requested variance does not create any unmitigated impacts to the property or to the area if certain conditions are met.
4. The requested variance does not result in the violation of any other City ordinances.

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 ( $20^{\prime}$ ). 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 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.


## SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN COMMUNITY DEVELOPMENT DIRECTOR<br>KURT BRADBURN MAYOR<br>MATHEW HUISH CHIEF ADMINISTRATIVE OFFICER

## MEMORANDUM

February 10, 2021

| To: | Board of Adjustment |  |
| :--- | :--- | ---: |
| From: | Community Development Department |  |
| Subject: | Rozenfeld Variance Request | BOA01172022-006252 |
|  | 3802 E Catamount Ridge Way | 4.45 Acres |
|  | [Community \#30 - Granite] | R-1-15, SAO Zone |

HEARING NOTICE: This item has been noticed to property owners within $\mathbf{5 0 0}$ feet of the subject area and on the City and Utah Public Notice websites.

| PROPERTY CASE HISTORY |  |
| :--- | :--- |
| History | Summary |
| Little Cottonwood Lane <br> Part A Annexation | Little Cottonwood Lane Part A Annexation effective date <br> $4 / 22 / 2015$. |
| Little Cottonwood View <br> Estates Subdivision | The Little Cottonwood View Estates Subdivision was recorded at <br> the Salt Lake County Recorder's Office on 12/03/1996. Subject <br> property is Lot 8 of the Subdivision. It was reviewed and approved <br> under the County's FCOZ ordinance (similar to SAO zone). |

## REQUEST

Yuri Rozenfeld ("Applicant"), representing the property owner Ying Li Peng, filed a request with the Sandy City Board of Adjustment for a variance from Section 21-15-4(a)(1)(a) and 21-154(a)(2)(a) of the Sandy City Land Development Code. The property is located at 3802 E Catamount Ridge Way (see the attached Vicinity Map). The Applicant has the property, Lot 8 of the Little Cottonwood View Estates Subdivision (see the attached Subdivision Plat), under contract to purchase and the owner has authorized him to make this request in his behalf. He is requesting to construct a new home within a hillside slope in excess of thirty percent (30\%) grade, which is classified as a lot within the Sensitive Area Overlay Zone (see attached Applicant's Variance Request Letter \& Materials). The Sandy City Land Use Development Code prohibits the construction of a dwelling upon areas of thirty percent (30\%) grade or greater slope, unless the Board of Adjustment grants a variance.

## BACKGROUND

## History

This property, along with a larger surrounding area, was annexed into Sandy City as part of the Little Cottonwood Lane Part A Annexation in 2015. Prior to this annexation, this parcel was created as part of Little Cottonwood View Estates Subdivision in Salt Lake County under their ordinances. This parcel was deemed to be a buildable lot under the County's FCOZ requirements. It was recorded with the Salt Lake County Recorder's Office on December 3, 1996, recorded as Lot 8 of that plat.

## Size of Parcel

The subject Lot is approximately 4.45 acres (193,739 square feet). The underlying zone is R-115 , which requires a minimum of 15,000 square feet for each single-family home.

## Adjacent Area

This site is located in the mouth of Little Cottonwood Canyon. It is bordered by single-family homes to the north and undeveloped single-family lots on the east and west. Forest service and public lands are located to the south.

## ORDINANCE SUMMARY

The Applicant is requesting variances from the terms of the following excerpts of City ordinance, which the Board must carefully review and consider in rendering a decision:

## Sec. 21-15-4. Development Standards for Sensitive Areas.

(a) Standards for Sensitive Areas Containing 30 Percent or Greater Slopes.
(1) Usable Land.
a. Single-family structures shall be located only upon areas constituting usable land, which area shall be fully contiguous, be at least 5,000 square feet in size and have a minimum dimension, both length and width, of 50 feet
(2) Setback requirements.
a. No dwellings or accessory structures shall be constructed within an average of 20 feet (no point being closer than ten feet) of a continuous hillside slope (upslope or downslope) of 30 percent or greater. The City Engineer may require greater setbacks from the slopes based on geotechnical information.

## Sec. 21-15-5. Special Exceptions.

(a) Previously Platted Lots. If a lot which contains or is adjacent to 30 percent or greater slopes was platted, approved and recorded prior to the adoption of sensitive area (or similar) regulations either in Salt Lake County or Sandy and such lot does not comply with Sandy City's current Sensitive Area Overlay Zone, a property owner may request a special exception from the Director to allow construction on the property at reduced or no setback from the 30 percent or greater slope. If it is determined that this exception applies, the lot will not be required to proceed through Sensitive Area Overlay Zone review though special requirements to protect the health, safety and welfare of the lot owner and residents of the City will be imposed before the issuance of a building permit. A property owner may request this exception only if the lot complies with the following:
(1) Qualifications. Property which qualifies for the exception is limited to the following:
a. Subdivision lots approved and recorded prior to the enactment of sensitive overlay (or similar) regulations which were applicable to the property, or subdivision lots approved and recorded under different regulations than currently apply to the property;
b. The lot contains or is adjacent to 30 percent or greater slope and cannot be built upon in compliance with the setbacks required by the Sensitive Area Overlay Zone in effect at the time the request is made;
c. The lot does not have the amount of usable land area required by the Sensitive Area Overlay Zone in effect at the time the request is made;
d. The slope is stable and suitable for construction as determined by the City Engineer;
e. Measures can be imposed which mitigate or eliminate hazards created by construction near the slope; and
f. The development shall comply with all other requirements of this title, including driveway slopes and cuts and fills, unless the Board of Adjustment approves a variance.
(4) Application for Variance. If a property owner is requesting to build on the 30 percent or greater slope, an application for a variance from the Board of Adjustment shall be submitted.

## ANALYSIS

There are special exception provisions for previously platted lots in the Sandy City Land Development Code. These provisions would allow a property owner to build on a lot with reduced setbacks to protected hillsides if certain qualifications are met and could not otherwise comply with the requirements of the Sensitive Area Overlay Zone. This property meets the qualification criteria to grant a special exception. A slope analysis has confirmed there is no portion of the lot that has enough usable land area. In order to build anything on this property, it will require building upon a $30 \%$ or greater slope. In those instances, it requires a variance from the Board of Adjustment.

## LEGAL STANDARD TO BE MET AT PUBLIC HEARING

Utah Code Section 10-9a-702 set the standards, or conditions, for approving a variance. The Board of Adjustment may grant a variance only if ALL statutory conditions are met. If any one (1) of the five (5) conditions is NOT MET, the Board of Adjustment is compelled by law to deny the request for a variance.

The conditions for approval of a variance are the following:

1. Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.
4. The variance will not substantially affect the general plan and will not be contrary to the public interest.
5. The spirit of the zoning ordinance is observed and substantial justice done.

The State statute and City ordinance have added the following conditions when determining the above factors which were stated in the Utah Supreme Court decision of Chambers v. Smithfield City 714 P.2d 1133, (Utah Supreme Court, 1986):
6. Is the hardship complained of economic in nature?
7. Is the hardship complained of self-imposed?

If the answer to questions 6 and 7 is affirmative, then the variance should not be granted.
The Board of Adjustment may not find unreasonable hardship if the hardship is self-created, grants a special privilege, or is economic in nature. Variances run with the land. Use variances (variances that allow a use not permitted in the zone) are not permitted. The Board of Adjustment may impose additional requirements or conditions on the Applicant that will mitigate any harmful effects of the variance or serve the purpose of the standards or requirements that are waived or modified.

## REQUEST ANALYSIS

The Applicants are seeking a variance from the following sections of the Land Development Code, as shown above:

Sections 21-15-4(a)(1)(a) and 21-15-4(b)(2)(a) - Seeking to build into native sensitive area slopes of the lot with no setbacks from the protected slope areas.

Staff has reviewed the Applicant's Letter to the Board of Adjustment (see attached Applicant's Variance Request Letter \& Materials) describing their requests. It presents some of the technical challenges presented by the subject property and some of the criteria for a variance. The letter also discusses some of the specifics of their proposed site and grading. However, in staff's opinion, the Applicants have not yet adequately addressed all seven (7) standards and conditions required to approve each of the variances in their letter to the Board.

Literal enforcement of the Land Development Code would not allow a home to be built on the property at all. There is not a single area on this lot that has an area of $5,000 \mathrm{sq}$. ft . of usable area as defined in the Sensitive Area Overlay zone. There is no way to build a minimum-sized home in the R-1-15 zone (minimum footprint: single story - 1,400 sq. ft.; two-story $-1,750 \mathrm{sq}$. ft.; in addition, a minimum 400 sq. ft attached two-car garage is required) anywhere on the lot without encroaching into a protected native slope. This lot is very large but contains very steep slopes. It certainly appears to meet the conditions or standards of a variance to allow the property to be used for its intended purpose a having a single-family home built upon it.

Staff is in support of allowing a new dwelling on this previously platted lot within the slopes that exceed thirty percent ( $30 \%$ ). But the area wherein the home can be built and how large of a home is approved is something that will need to be considered by the Board. The home needs to be located on the lot where the least amount of impact will be created in allowing the variance. In this case, staff would recommend that the home be placed as close to the lower road as possible and disturb the smallest area possible. It's important to consider that the larger the home footprint and driveway, the greater the impact to the $30 \%$ slope (larger cut/fills, larger retaining walls, larger area of disturbance, etc.).

## Staff Concerns

Staff is concerned with the overall area of disturbance shown in the applicant's preliminary site and grading plans. The area of disturbance is shown to be about $19,000 \mathrm{sq}$. ft. This appears to be too large and could be reduced if the applicant makes some adjustments to their plans. Part of this large disturbance area is due to the size of the home, size/orientation of the garage and driveway, desire to have some flat yard area/covered patio in the rear of the home, and overall orientation of the home.
\#1 Footprint. The proposed home is just above the minimum footprint of single level home (approximately $1436 \mathrm{sq} . \mathrm{ft}$. on the main level), yet the garage is more than double the minimum required square footage ( 1019 sq . ft.) for a total building footprint of $2,455 \mathrm{sq}$. ft. Adjacent homes in the area on average are over 3,500 sq. ft. footprint, but those homes are not located on as steep of land with as many restrictions. In no case is the Board required to allow a home above the bare minimum home size for the zone. However, the Board can consider imposing a maximum home size to limit the impacts to the native area.
\#2 Garage and Driveway. The proposed home is proposed to have a side loaded garage rather than fronting the garage directly to the street and being placed below the living areas of the home. This design choice increases the overall area of disturbance. The width of the driveway also creates the need for higher and more retaining walls to meet maximum driveway slopes. At minimum, staff would suggest limiting the width of the driveway, to reduce the height of retaining walls and reducing the area of disturbance.
\#3 Patio/Yard. The home is currently designed with a flatter area behind the home with a covered patio area. By including this in their plans, it increases need for retaining walls and increases the overall disturbance area. The Board may want to limit area of disturbance outside the footprint of the home to only allow for construction of the home and not to create a usable yard area.
\#4 Orientation. The home is not quite fully aligned or oriented with the existing contours. It could be further rotated counterclockwise to align with the contours more closely. The disadvantage of that rotation would be that it increases the distance from the road of area that needs to be disturbed but reduces the size of retaining walls. Alternatively, the home could be rotated clockwise and oriented to the street and sited closer to the road rather than further up the hillside. It would reduce the area of disturbance but might increase some cuts/fills and retaining walls on the lot.

## STAFF RECOMMENDATION

The Board should carefully consider the conditions listed above before rendering a decision on each of the requested variances (individually or collectively) and should follow the law as outlined above. As stated previously, the Applicants bear the burden of proof in showing that all of the conditions justifying a variance have been met. Based upon our analysis of the letter requesting the variances and the standards and conditions required to grant a variance, we recommend that the Board approve the requests as presented.

Staff would recommend approval of the variance, as outlined in the staff report, for 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. The Applicants have met the conditions required by statute for said variance (the Board will need to support this statement with a more detailed set of findings on each of the requirements for a variance (see the sample Variance Motion Form attached hereto)).
2. The City Engineer has found that the land is suitable for development after reviewing the applicant's informational reports and plans.
3. The requested variance does not create any unmitigated impacts to the property or to the area if certain conditions are met.
4. The requested variance does not result in the violation of any other City ordinances.

## 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 ( $20^{\prime}$ ). 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 ( $20^{\prime}$ ) before tapering to a minimum twelve foot ( $12^{\prime}$ ) wide drive approach 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.

Planner:


Mike Wilcox
Zoning Administrator

File Name: S:\USERS $\backslash$ PLN $\backslash$ STAFFRPT $\backslash 2022 \backslash$ BOA01172022-006252_ROZENFELD VARIANCE REQUEST $\backslash$ ROZENFELD VARIANCE REQUEST STAFF REPORT.DOCX

Notice to Applicants: Be prepared to discuss the criteria for a variance as mentioned above in your presentation to the Board of Adjustment. Generally, the questionnaire you completed as part of the variance application process requests the information which the Board needs to consider. However, you may be aware of additional information that could be useful to the Board of Adjustment, which you may wish to present orally or in writing at the public hearing.

NOTE: Any appeal of the decision of the Board of Adjustment must be made within thirty [30] days to the appropriate District Court of the State of Utah. The proper forms and procedure for filing such an appeal may be obtained from the District Court or the attorney of your choice. Sandy City DOES NOT have this information and cannot assist you in any way with the filing of any appeal of a Board of Adjustment decision. Copies of the case file, including all evidence submitted will be made available to interested parties. You may make a copy of the audio tape of the proceedings at our offices located at 10000 Centennial Parkway, suite 210, Sandy, Utah.


## BOA01172022-006252 <br> Rozenfeld Variance Request 3802 E Catamount Ridge Way

Community Development 10000 Centennial Parkway Sandy, Utah 84070
Telephone \# (801) 568-7250 Facsimile \# (801) 568-7278

## Board of Adjustment Application

| File/Case Number: |  | For staff use only |  |
| :--- | :--- | :--- | :--- |
| Fee: |  |  | Date Filed: |

Type of Request (mark all that apply) Use Account Code \#1-51-314515 unless otherwise noted.

| X | Variance $\quad \triangle$ |
| :--- | :--- |

Please give a brief summary of the action requested: This property was legally subdivided into a residential lot in Salt Lake County.
The property is now subject to Sandy City development regulations, including the Sensitive Area Overlay (SAO) Zone, primarily because the slope of the lot is approximately 30 percent. We are seeking a variance from the Board of Adjustment with the goal of constructing a residence on the lot.

## Project Information

Name of Proposed Project: 3802 Catamount Ridge
Address of Proposed Project 3802 Catamount Ridge Way, Sandy, UT 84092 (Lot 8, Little Cottonwood View Estates Sub. 7548-2494)
Parcel Tax I.D. Number(s) (if available): 28-12-327-030-0000
Current Condition (i.e. undeveloped, current zone, etc) 911 - Vacant Residential Lot
Proposed Development/Action (i.e., subdivision, retail bldg, new zone) Build residence

## Applicant Information



## Property Owner Information (if different than applicant)

Owner's Name: YING LI PENG
Address: $\qquad$
Phone \#: Office:
FAX: City, State, Zip:

Email: yingpeng77@yahoo.com
Signature: $\qquad$ Date: $\underline{1-18-2022}$

Note: The Board of Adjustment normally meets on the second Thursday of the month. Applicants will be notified of changes in meetings and meeting times. The Planning Division will not officially accept a submittal until the conditions and necessary parts of each application procedure are completed. The Board of Adjustment will not review any submittal made less than fourteen (14) days prior to the scheduled meeting.

## Yuri Rozenfeld

125 W. Redman Ave.
Haddonfield NJ 08033

January 17, 2022

The Board of Adjustments<br>c/o Mike Wilcox<br>Zoning Administrator<br>Sandy City<br>Community Development<br>10000 Centennial Parkway<br>Sandy, Utah 84070

## Re: Variance Application <br> 3802 E. Catamount Ridge Way, Sandy, UT 84092

Dear Members of the Board:

I write to apply for a variance with the intent of constructing a residence on the abovereferenced lot.

The subject lot is located at 3802 E. Catamount Ridge Way, Sandy, UT 84092. Parcel Number 28-12-327-030-0000. The parcel is also known as Lot 8 , of the Little Cottonwood View Estates Subdivision.

I am under contract to purchase the property from Mr. Ying Li Peng. The due diligence period under the contract continues through February. I look forward to receiving consideration and a variance decision from this Board before I am legally committed to purchase the property.

I appreciate your consideration.

This property was legally subdivided in Salt Lake County in 1998.
The property is now subject to Sandy City development regulations, including the Sensitive Area Overlay (SAO) Zone Sec. 21-15-1. et seq, primarily because the slope of the lot is approximately 30 percent (Sec. 21-15-2).

It is also true that property is covered by the special exemption set forth in Sandy City Code, Sec. 21-15-5. - Special Exceptions, Subsection (a) - Previously Platted Lots.

Accordingly, I have been informed by Sandy City that this is a buildable lot subject to obtaining a variance from this Board as required under the SAO regulations.

Yuri Rozenfeld<br>125 W. Redman Ave.<br>Haddonfield NJ 08033

Further:

- Absent a variance from this Board, the property may not be used to construct a residence. This would be inconsistent with the initial provisions of the Little Cottonwood View Estates Subdivision, which anticipate that a residence would be built on the property.
- Generally, the property is similar to all other properties located in the Little Cottonwood View Estates Subdivision.
- Owners of other properties in the Little Cottonwood View Estates Subdivision have constructed residences.
- The variance will not deviate from the general purposes of the Sandy City Development Code. Rather, the variance will permit the construction of a modest residence in already developed Little Cottonwood View Estates Subdivision.
- A variance for the property would be consistent with the overall intent of the zoning laws and it is therefore fair that the variance be granted. Specially, the variance is consistent with the requirements of special exemption set forth in Sandy City Code, Sec. 21-15-5. - Special Exceptions, Subsection (a) - Previously Platted Lots.

I have assembled the following documents in support of this application with the assistance of qualified advisors:

1. Original Little Cottonwood View Estates Subdivision Plat
2. Site Areal Map
3. Contract to purchase the property
4. 3802 E Catamount Civil Schematic Site Design (Talisman Engineering)
5. 3802 E Catamount Residence Design (Harbor Design Company)
6. 3802 E Catamount Record of Site Survey (Talisman Civil Consultants)
7. 3802 E Catamount Slope Analysis - Three Files (Talisman Civil Consultants)

We believe that the proposed improvements to the property meet (or will meet as final engineering plans are prepared) the requirements of Sandy City Code, Chapter 21-15. - Sensitive Overlay Zone.

Yuri Rozenfeld<br>125 W. Redman Ave.<br>Haddonfield NJ 08033

More specifically, we have addressed in the design the key criteria conveyed to us by Sandy City, including the following:

- Lower-level walls of residence designed to retain slope
- Modest footprint residence, located at the lowest point on the lot
- No disturbance of any portion of the hillside beyond the "triangle" that will be used for the residence
- Minimal cuts and fills
- It is also possible that the proposed construction area had been previous disturbed during the construction of the E Catamount Way and the easement road that runs through the lot to the water tank located uphill

On balance, therefore, the proposed residence is the least intrusive alternative for a residence on this property. We therefore believe that a variance is appropriate under Sandy City Development Code.


#### Abstract

Absent such a variance the property will be deprived of privileges granted to other properties in the same district.

We also have consulted with experts in rockfall hazard analysis. We received preliminary advice from an expert at Intermountain GeoEnvironmental Services, Inc. that the "rockfall hazard is likely to be low." However, a physical inspection of the site and therefore the report cannot be completed while the lot is covered with snow. Accordingly, we proposed to finalize this analysis when the expert can access the site in the spring. We hope that this will not delay the review by this Board; rather, we propose to finalize this topic with the Sandy City planning personnel if the variance is granted and when weather permits.


Finally, we understand that soil and fault analysis will also be required, which we also propose to complete during subsequent planning steps.

Thank you for your consideration.
Sincerely,


Yuri Rozenfeld

# Sandy Board of Adjustments, Variance Application <br> 3802 E. Catamount Ridge Way, Sandy, UT 84092 <br> Parcel Number 28-12-327-030-0000 <br> Feb. 10, 2022 

- 4.5 acre parcel legally subdivided in Salt Lake County in 1998
- The parcel is also known as Lot 8 , of the Little Cottonwood View Estates Subdivision
- The property is subject to Sandy City development regulations, including the Sensitive Area Overlay (SAO) Zone Sec. 21-15-1. et seq, primarily because the slope of the lot is approximately 30 percent (Sec. 21-15-2)
- The property is covered by the special exemption set forth in Sandy City Code, Sec. 21-15-5. - Special Exceptions, Subsection (a) - Previously Platted Lots



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Residence Location Comments:

- Modest footprint, two-level residence located at the lowest point on the lot
- No disturbance of any portion of the hillside above the water tank service road
- Lower-level walls of residence designed to retain slope
- Minimal cuts and fills
- Additional Sandy recommendations to reduce cuts and fills will be incorporated in next version of plans
- We believe the residence represents least intrusive alternative for a residence on this property
- Absent a variance the property will be deprived of privileges granted to other properties in the same subdivision/district



## Sandy Board of Adjustments, Variance Application <br> 3802 E. Catamount Ridge Way, Sandy, UT 84092

Parcel Number 28-12-327-030-0000
Feb. 10, 2022


Thank you for your consideration.
22 of 40
$2 / 10 / 2022$

## Attachment E. 23




| SLOPES TABLE |  |  |  |
| :---: | :---: | :---: | :---: |
| NUMBER | MINIMUM SLOPE | MAXIMUM SLOPE | COLOR |
| 1 | FLAT | $10 \%$ |  |
| 2 | $10 \%$ | $30 \%$ |  |
| 3 | $30 \%$ | $50 \%$ |  |
| 4 | $50 \%$ | VERTICAL |  |



SURVEYOR'S CERTIFICATE


## Dhthe Christm

$\qquad$ $\frac{2021 / 07 / 15}{\text { DATE OF SURVEY }}$

LEGAL DESCRIPTION
 SURVEY NARRATIVE:
 SUBJECT PROPERTY ADDRESS: 3802 E CATAMOUNT RIDGE WT. SANDT, UTAH 84092



| Front |
| :--- |
| REAR: |
| SID: |
| Sid |
| 10 |

 REFERENCED DOCUMENTS LITTLE COTTONHOODVEN ESTATES SUBDVIIIION ENTRY NOO GII9414, BOOK:96-12P, PAGE:395, AS
RECORDED NTHE OFILE OF THE SALT ALKE COUNTY RECORDR




$\frac{\text { VICINITY MAP }}{\text { NT. }}$

| EGEND |  |  |
| :---: | :---: | :---: |
| - STREET MONUMENT | -------- | BOUNDARY LINE |
| - LOT CORNER (NOTED) <br> Em ELECTRICAL METER | - | ADJACENL PARCEL Boundarr CENTERLINE |
| @ GAs METER |  | Right of WAt line |
| - WATER METER | ---------- | Easement line |
| ( IRrigation box |  | Fence |
| [ T TLLEPHONE BOX | [7\%) | existing buldina |
| (R) RECORD DISTANCE | $\cdots$ | ExISTING CONCRETE |
| (M) MEASURED DISTANCE |  | STING ASPHALT |








## STE SCOPE OF WORK:


A APROXXMATE LMTS OF IISUubance
(2) water Lateral servce ta

(1) install $4^{4}$ PVC SEWER LATERAL MNMUM $5^{\prime}$ below fnshed grade








Sandy City, Utah

10000 Centennial Parkway

## Staff Report

File \#: 22-040, Version: 1
Date: 2/10/2022

Election of Chair and Vice Chair for 2022

