



Planning and Development Services

2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050

Phone: (385) 468-6700 • Fax: (385) 468-6674

Magna Metro Township Land Use Hearing Officer

Public Meeting Agenda

Wednesday, November 20, 2019 1:00 P.M.

Location

SALT LAKE COUNTY GOVERNMENT CENTER
2001 SOUTH STATE STREET, NORTH BUILDING, N3-600
SALT LAKE CITY, 84190
(385) 468-6700

*UPON REQUEST, WITH 5 WORKING DAYS NOTICE, REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS MAY BE PROVIDED. PLEASE CONTACT WENDY GURR AT 385-468-6707.
TTY USERS SHOULD CALL 711.*

The purpose of the Magna Metro Township Land Use Hearing Officer's Meeting to hear applicant and public comment, as well as agency and staff recommendations, prior to making a decision on applications filed with Magna Metro Township.

The Magna Metro Township Land Use Hearing Officer shall: act as an appeal authority for zoning decisions applying this title as provided in Section 19.92.050 and conditional use decisions by a planning commission; hear and decide the special exceptions to the terms of the zoning ordinance set forth in Section 19.92.060; hear and decide variances from the terms of the zoning ordinance; and, hear and decide applications for the expansion or modification of nonconforming uses.

PUBLIC HEARINGS

31067 – Mark Shamo is requesting approval for an expansion of a noncomplying structure. **Acreage:** 0.10 acres. **Location:** 2626 South 8800 West. **Zone:** R-2-6.5. **Planner:** Shad Cook

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File # 31067

Land Use Hearing Officer Summary and Recommendation

Request Type: Expansion of A Nonconforming Structure

Meeting Date: 11/20/2019

Parcel ID: 14-19-479-008-0000

Current Zone: R-2-6.5

Property Address: 2626 S 8800 W

Planner: Shad Cook

Planning Commission Recommendation: Not Required for this type of application

Planning Staff Recommendation: Approval with conditions

Applicant Name: Mark Shamo

PROJECT DESCRIPTION

The home on this property was built in 1915 and is currently declared a legal noncomplying structure. The house is placed at a slight angle relative to the property lines. The applicant would like to build an addition on the rear part of his house. Because of the angle, this would reduce the north side yard from 1'3" to 1'0". The applicant meets the typical rear yard setback for the zone.

STAFF SUMMARY

19.88.070 Additions, Enlargements, Moving and Reconstruction of A Structure

- ~~1. A noncomplying structure or building occupied by a nonconforming use 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.~~



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2. A building occupied by a nonconforming use or a noncomplying structure 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 land use hearing officer, provided that the land use hearing officer shall find:
 1. The addition to, enlargement of, moving of, or reconstruction of the structure at a new location on the lot is in harmony with one or more of the purposes of this title as stated in Section 19.02.020 of this title, and is 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 structure.

19.02.020 Purpose Of Provisions

This title is designed and enacted for the purpose of promoting the health, safety, morals, conveniences, order, prosperity and welfare of the present and future inhabitants of Salt Lake County, 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, securing economy in governmental expenditures, fostering the county's agricultural and other industries, and the protection of both urban and nonurban development.

19.92.060 Special Exceptions

The land use hearing officer may approve any of the following special exceptions to the zoning ordinance where he or she determines the exception is consistent with the purposes of the zoning ordinance and will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity:

- ~~1. Where a zone boundary line divides a lot in single ownership at the time of the passage of the ordinance codified in this title, the land use hearing officer may permit a use authorized on either portion of such lot to extend not more than fifty feet into the other portion of the lot.~~
2. The land use hearing officer may permit the enlargement of or addition to a noncomplying structure or a building or structure occupied by a nonconforming use.
3. ~~The land use hearing officer may permit the relocation on a lot of a noncomplying structure or a building or structure occupied by a nonconforming use; or the hearing officer may permit the reconstruction on a lot of a noncomplying structure or a building occupied by a nonconforming use.~~



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SITE AND VICINITY DESCRIPTION

This property is in a historic area. Many of the homes in this neighborhood were built before 1920. The property is surrounded by R-2-6.5 (two-family) zoning. Although the area is zoned for low to medium density, most homes in the area are single family.

LAND USE CONSIDERATIONS

Requirement	Standard	Proposed	Compliance Verified
Side Yard Setback	8 feet	1 foot	

Compatibility with existing buildings in terms of size, scale and height.	Yes
Compliance with the General Plan.	Yes

ISSUES OF CONCERN/PROPOSED MITIGATION

Planning staff's main concern with this proposal is the reduced side yard. Staff believes this concern can be mitigated by requiring appropriate fire separation determined by the chief building official.

PLANNING STAFF RECOMMENDATION

Staff recommends the Land Use Hearing Officer grant approval of this addition to a noncomplying structure. The justifications for this recommendation are as follows:

- Properties with a similar side yard size or other noncomplying situations are not uncommon in the neighborhood.
- The proposed addition would still be at least 20 feet from the nearest neighboring residence.
- Safety concerns would be mitigated by requirements from the building department.

Staff recommends a condition of the approval be that the applicant obtain a building permit, ensuring that the addition be built to current safety standards.



