



**Land Use Appeals Board  
JC Auto Office  
Setback Variance**

**REPORT SUMMARY...**

*Project Name:* JC Auto Office Setback Variance  
*Appellant:* Arave Properties  
*Project Address:* 1500 North 600 West  
*Request:* Variance  
*Current Zoning:* Industrial Park (IP)  
*Type of Action:* Quasi-Judicial  
*Date of Hearing:* September 28, 2017  
*Submitted By:* Amber Pollan, Senior Planner

**EXISTING CONDITIONS**

*Current Land use adjoining the subject property*

<i>North:</i>	IP: vacant land, storage warehouses	<i>East:</i>	MR-12: railroad corridor, mixed residential uses
<i>South:</i>	IP: 1400 North, vacant land	<i>West:</i>	IP: 600 West, commercial storage units, offices, agricultural uses

The subject property is the location of the auto body paint and repair business, JC Auto, Inc. There are two (2) permanent buildings, a paved parking area, and an impound storage yard. The proponent would like to add on to the office area of the northern building and is requesting a variance to building setback guidelines.

The northern building was constructed in 1972 as an auto body garage in conjunction with the Economy Auto Inc. salvage yard that was located to the east. This area west of the railroad tracks was annexed in approximately 1970 but as it was associated with the Economy Auto yard there are not City records for the property until the Economy Auto area was incorporated in 1983.

In 1985, the Board of Adjustments granted a variance for an addition on this building to add an office. The wrecking yard was considered a legally existing nonconforming use and the Board considered expansion of the use and a variance to the front yard setback. The variance was granted on the findings that there were no objections from surrounding property owners and there would be no injury to other property.

In 1996, the ownership of the property changed from Economy Auto to JC Auto. JC Auto continues auto body paint and repair and a towing business with an open wrecking yard impound area. JC Auto was granted a Design Review Permit for a pole sign in 1998.

The second, southern shop building was proposed on the site in 2002. A Design Review Permit and building permit were issued for the building. The property was zoned Industrial (IND) and there were setback requirements of a 50' front yard and 10' rear yard. The building was proposed with an 11' front setback and 0' rear yard. The Planning Commission had greater leeway at the time to make adjustments to setbacks and granted the setbacks as proposed as the existing northern building was at a 0' rear yard setback and the odd shape of the lot. The right-of-way was completed along the property with this project (curb, gutter, parkstrip, street trees, sidewalk) and they felt the building would not feel too close to the road with the new improvements installed.

This property is currently in the Industrial Park (IP) zoning district which requires the following setbacks: (Land Development Code §17.19.120)

Front:	20' minimum
Side-Common Wall:	0' minimum
Side-Non-common Wall:	20' minimum
Rear:	10' minimum
Parking:	30' minimum

The use on the property of auto repair is permitted in the zone. The open wrecking yard is fenced on the southern end of the property and is a legally existing nonconforming use. The addition would be for a two-story office addition and would not expand the nonconforming use.

### **VARIANCE REQUEST**

The applicant is requesting consideration of a variance to allow for setbacks that are below the minimum requirements. The applicant would like to add on to the northern building office and expand the office area. In working on the site designs, they do not feel they can construct a functional addition on to the building meeting the required setbacks. Continuing the building on the existing building line would provide for visual consistency and interior functionality. The site is 47' deep at that location and the setbacks would only leave 17' width for construction and the addition would be off-set from the existing building. This is the widest point of the lot that an addition could be placed.

The applicant is requesting the following setbacks:

Front:	16'
Side-northern end:	no change to existing situation
Side-Non-common Wall:	48'
Rear:	<1'
Parking:	no change to existing situation

In the Land Development Code (LDC), §17.53 allows for a property owner to request a variance. The Code indicates "when literal interpretation of the provisions of Title 17 of the Logan Municipal Code results in a situation where the property owner does not have the opportunity to exercise basic property rights, the City may consider an application to vary the standards of [Title 17]." The purpose of a variance is "to relate only to the hardship identified and to ensure that the property is not deprived of privileges generally granted to other properties in the same area or zoning district."

The Utah State Code, §10-9a-702.2a, further sets the five (5) standards that must be met for an appeal authority to grant a variance:

- A. literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;
- B. there are special circumstances attached to the property that do not generally apply to other properties in the same zone;
- C. granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
- D. the variance will not substantially affect the general plan and will not be contrary to the public interest; and
- E. the spirit of the land use ordinance is observed and substantial justice done.

The Land Use Appeal Board may impose addition conditions to help mitigate potential harmful effects the variance creates or substitute requirements to help serve the purpose of the original code requirement.

## **ANALYSIS**

The following is an analysis of the request's compliance with the State standards:

- A. Literal enforcement of the minimum setback requirements would cause an unreasonable hardship for the applicant. While the applicant could build a 17' wide addition, it would limit the functionality of the space. They would need to extend the addition farther to get enough square footage for their needs which would extend across their drive access and hinder access to parking. To meet the setbacks, the addition would be offset from the existing building lines which would further create a hardship in connecting the spaces and providing for functional use.
- B. There are special circumstances attached to the property that do not generally apply to other properties in the same zone. This property is bounded by the 600 West right-of-way and the railroad right-of-way and is a narrow property. The City has found in previous reviews of this property and adjacent properties that it is an odd shape and warranted consideration for reduced setbacks.
- C. The variance is essential to the enjoyment of the property right of obtaining a building permit for the addition. The applicant would like to continue operations and make improvements at this location with some additional building area.
- D. The variance will not substantially affect the General Plan and will not be contrary to the public interest. The General Plan designates this area Industrial Park and is described as areas that support employment and production uses with related offices, services, and storage. Adjacent uses should be buffered from negative impacts through site planning, screening, landscaping, and building design.

The uses are existing and consistent with the Industrial Park area. The use is buffered by the existing access areas to 600 West and the railroad corridor is to the east. The Railroad has not expressed any concerns with the minimized setbacks previously. The existence of the railroad corridor further buffers this use and structure from residential areas to the east. The railroad right-of-way has an average width of 58' adjacent to this property.

- E. The spirit of the land use ordinance is observed and substantial justice is done. The use of setbacks is to provide for an undeveloped area between a structure and a property line. The distances for setbacks vary between different zones. The commercial zones typically have a front setback of 10'. The Industrial Park zone has a larger setback to provide a business park-like feel for development with landscaped yards between the building and the street. This site does not lend itself to a business park layout and had a number of existing conditions with the access and parking along the frontage. A reduced front yard setback will allow for the site to continue its existing functions and layout and would not create a visual difference from the existing buildings.

The intent of the rear yard setback is to allow for building offsets from other sites and for areas for stormwater and fire and building setbacks. Additional building requirements apply when a building is within 10' of the property line or within 10' of another building. New construction on an addition would have to meet building and fire codes. As the adjacent property is a railroad right-of-way and not an area for building development, this building being at 1' +/- would not affect another potential building.

## **SUMMARY**

Due to the narrow, odd shape of properties along this section of 600 West, City Boards and Commissions have made considerations for reduced setbacks in the past. The reduced setbacks do not limit the ability of adjacent properties to develop and the ability of the property owner to construct functional space on their property is limited by the strict enforcement of setbacks.

Other City Departments were contacted for comment and there were not concerns with the request. At the Design Review and Building Permit stage of review, the property will be

reviewed for compliance with 600 West dedication guidelines and no part of the structure will be permitted to cross the property boundary, such as for footings or foundation. The addition would also be reviewed for compliance with Building Codes for that proximity to the property line and ensuring Fire Department access is available.

### **PUBLIC NOTIFICATION**

Legal notices were published in the Herald Journal on September 19, 2017, and the Utah Public Meeting website. Public notices were mailed to all property owners within 300 feet of the project site on September 18, 2017.

### **RECOMMENDATION**

Staff recommends that the Land Use Appeal Board **approve** a variance request for reduced property line setbacks for the property located at 1500 North 600 West, TIN #04-081-0023.

### **RECOMMENDED FINDINGS FOR APPROVAL**

*The Land Use Appeals Board bases its decisions on the following findings:*

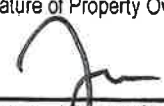

1. The variance request meets the approval criteria in the Land Development Code and Utah State Code.
2. The reduced setbacks will allow the property to be continue operations and obtain a building permit.
3. The essential enjoyment of this property or adjacent properties will not be impacted by this variance being granted.
4. Special circumstances exist, including the narrow property configuration and Railroad alignment making this a unique approval.

This staff report is an analysis of the application based on adopted city documents, standard city development practices, and available information. The report is to be used to review and consider the merits of the application prior to and during the course of the Land Use Appeal Board meeting. Additional information may be revealed by participants at the Land Use Appeal Board meeting which may modify the staff report and become the Certificate of Decision. The Director of Community Development reserves the right to supplement the material in the report with additional information at the Land Use Appeal Board meeting.



# APPLICATION FOR PROJECT REVIEW

Planning Commission     Land Use Appeal Board     Administrative Review

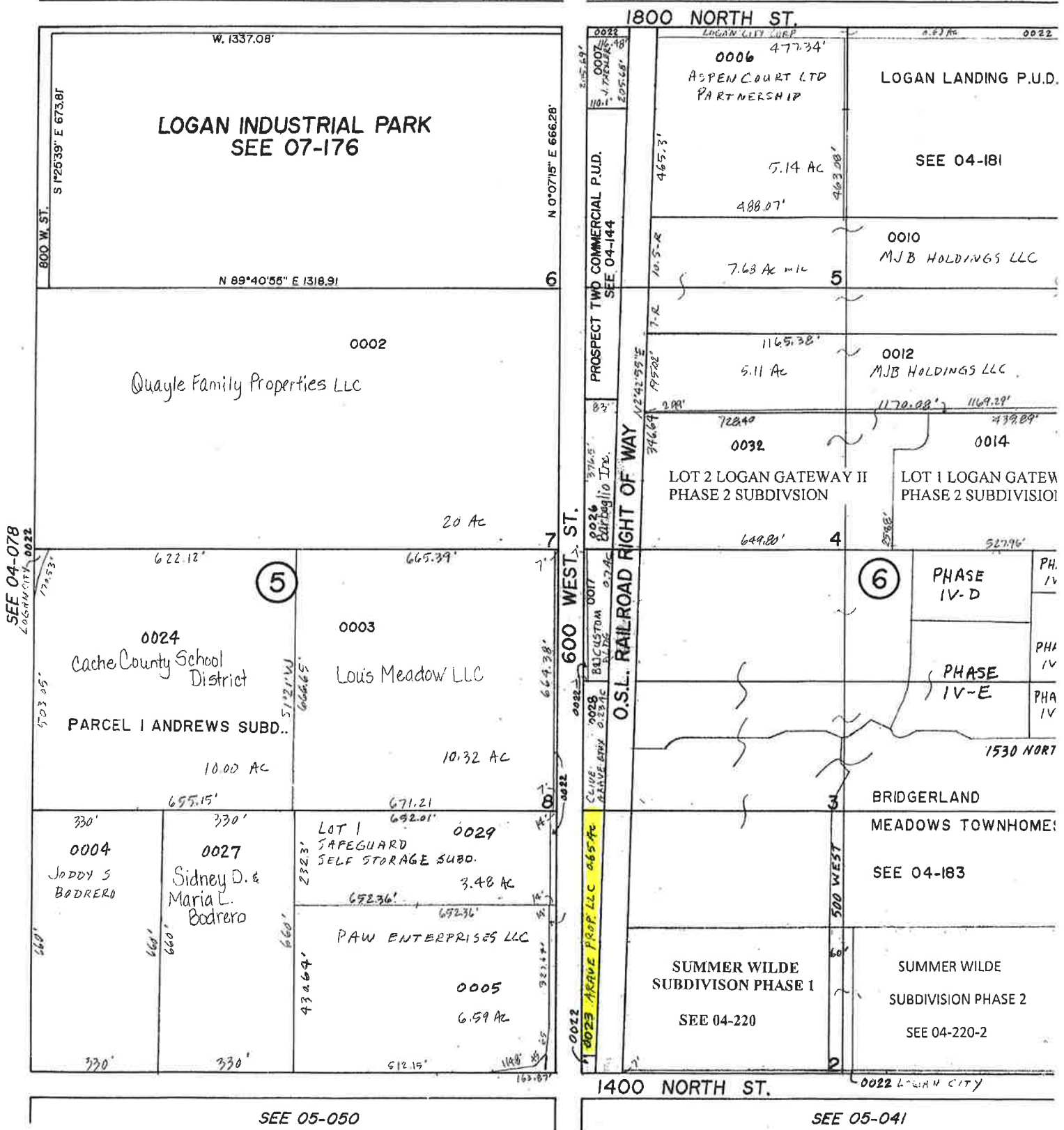
Date Received <b>08/24/2017</b>	Received By <b>Apollan</b>	Receipt Number <b>312833</b>	Zone <b>IP</b>	Application Number <b>LVAB 17-003</b>
Type of Application (Check all that apply): <input type="checkbox"/> Design Review <input type="checkbox"/> Conditional Use <input type="checkbox"/> Subdivision <input type="checkbox"/> Zone Change <input type="checkbox"/> Administrative Design Review <input type="checkbox"/> Code Amendment <input type="checkbox"/> Appeal <input checked="" type="checkbox"/> Variance <input type="checkbox"/> 4950' Design Review <input type="checkbox"/> Other _____				
PROJECT NAME <b>JC Auto Office</b>				
PROJECT ADDRESS <b>1500 North 600 West Logan, UT 84321</b>			COUNTY PLAT TAX ID # <b>04 081 0023</b>	
AUTHORIZED AGENT FOR PROPERTY OWNER (Must be accurate and complete) <b>Joe Arave</b>			MAIN PHONE # <b>435-787-8231</b>	
MAILING ADDRESS <b>1500 North 600 West</b>	CITY <b>Logan</b>	STATE <b>UT</b>	ZIP <b>84321</b>	
EMAIL ADDRESS <b>jcauto1@msn.com</b>				
PROPERTY OWNER OF RECORD (Must be listed) <b>Arave Properties</b>			MAIN PHONE # <b>435-787-8231</b>	
MAILING ADDRESS <b>1500 North 600 West</b>	CITY <b>Logan</b>	STATE <b>UT</b>	ZIP <b>84321</b>	
EMAIL ADDRESS <b>jcauto1@msn.com</b>				
DESCRIBE THE PROPOSED PROJECT AS IT SHOULD BE PRESENTED (Include as much detail as possible - attach a separate sheet if needed) To add an extension to a current Non Conforming Building would be 3 walls and attach to current Building.  2 Non Conforming grandfathered buildings are already on property line.  The only thing behind the building is the railroad tracks and storage units. In our opinion it makes no sense to build 10 feet off the line, as this would be useless space and would not effect any current adjacent property. <b>- NO SITE ACTIVITY MAY OCCUR UNTIL AFTER APPROPRIATE COMMITTEE APPROVAL -</b>			Total Lot Size (acres) <b>.65</b>	
			Size of Proposed New Building (square feet) <b>750</b>	
			Number of Proposed New Units/Lots <b>1</b>	
I certify that the information contained in this application and all supporting plans are correct and accurate. I also certify that I am authorized to sign all further legal documents and permits on behalf of the property owner.			Signature of Property Owner's Authorized Agent 	
I certify that I am the property owner on record of the subject property and that I consent to the submittal of this project. I understand that all further legal documents and permits will be sent to my authorized agent listed above.			Signature of Property Owner 	

W<sup>4</sup>Section 21 Township 12 North Range 1 East

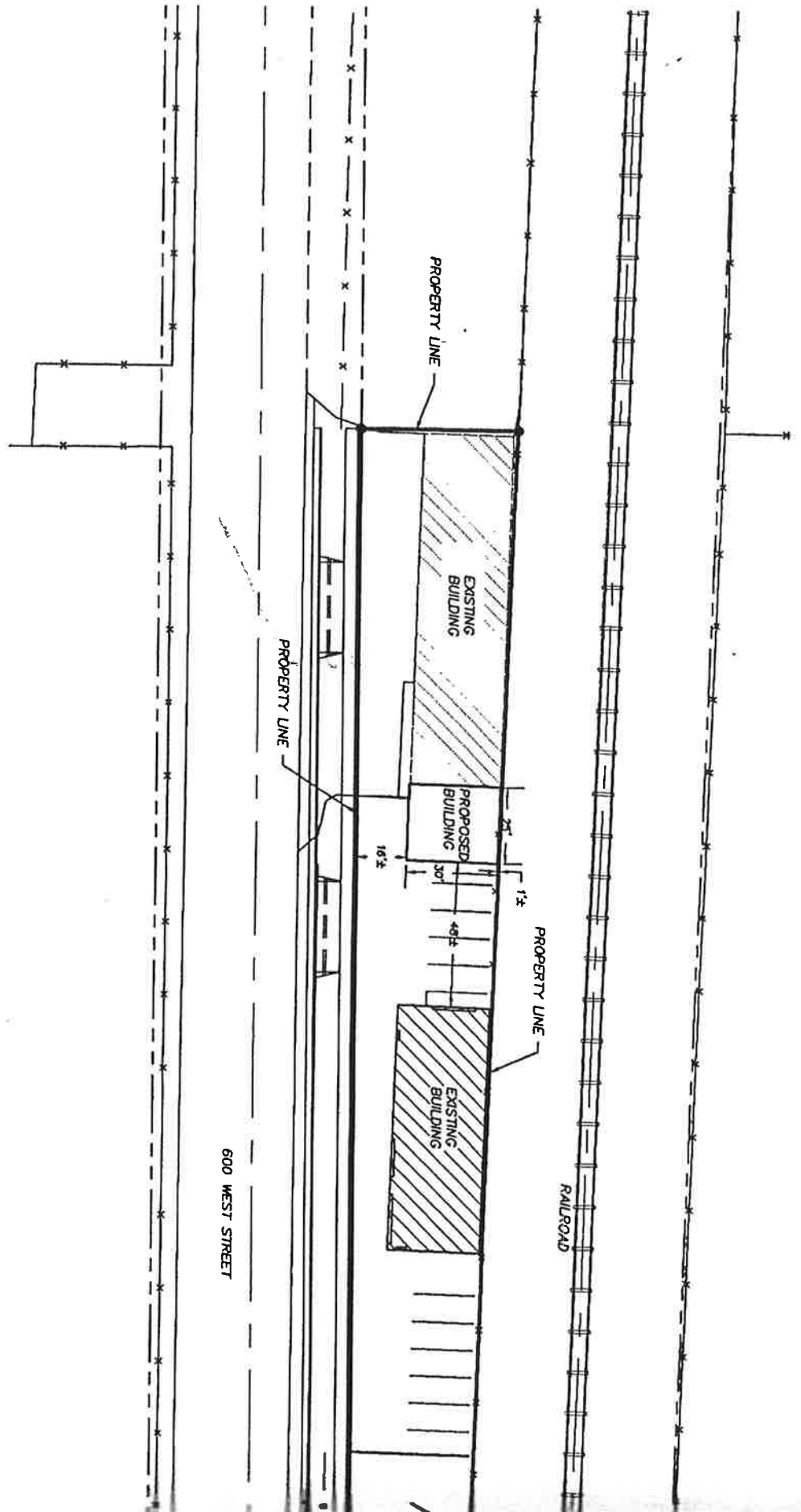
Scale 1 Inch = 200 Feet  
PLAT "D" LOGAN FARM SURVEY

TAX UNIT 27

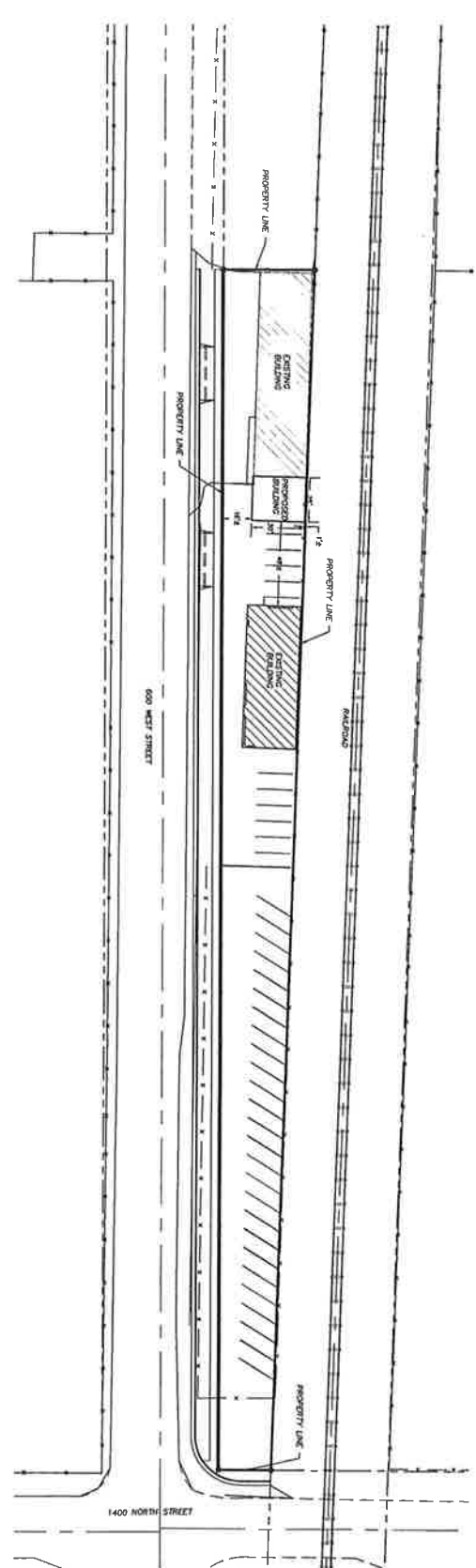
SEE 04-079



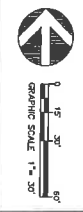




SITE CONCEPT  
SCALE: 1" = 30'



SITE CONCEPT  
SCALE 1"=30'



OWNER	JK AUTO
PROJECT	1500 NORTH 600 WEST
DATE	11/11
SCALE	1" = 30'
DESIGNER	JK AUTO
PREPARED BY	JK AUTO
CHECKED BY	JK AUTO
APPROVED BY	JK AUTO
DATE	11/11

**JK AUTO BUILDING ADDITION**  
 1500 NORTH 600 WEST  
 LOGAN, UT 84321

**SITE CONCEPT PLAN**

NO.	DATE	DESCRIPTION



Tax Serial Number:  
04-081-0023

Ent 1136237 Bk 1872 Pg 0161  
Date 04-Nov-2015 04:36PM Fee \$36.00  
Michael Gleed, Rec. - Filed By JA  
Cache County, UT  
For PINNACLE TITLE  
Electronically Submitted by Simplifile

WHEN RECORDED MAIL TO:  
Cache Valley Bank  
North Branch  
1710 North Main  
North Logan, UT 84341

126925CA

FOR RECORDER'S USE ONLY

### DEED OF TRUST

**MAXIMUM LIEN.** The lien of this Deed of Trust shall not exceed at any one time \$395,000.00.

**THIS DEED OF TRUST** is dated November 3, 2015, among ARAVE PROPERTIES, LLC, whose address is 1500 NORTH 600 WEST, LOGAN, UT 84341 ("Trustor"); Cache Valley Bank, whose address is North Branch, 1710 North Main, North Logan, UT 84341 (referred to below sometimes as "Lender" and sometimes as "Beneficiary"); and PINNACLE TITLE INSURANCE AGENCY, whose address is 40 WEST CACHE VALLEY BLVD #6A, LOGAN, UT 84321 (referred to below as "Trustee").

**CONVEYANCE AND GRANT.** For valuable consideration, Trustor irrevocably grants and conveys to Trustee in trust, with power of sale, for the benefit of Lender as Beneficiary, all of Trustor's right, title, and interest in and to the following described real property, together with all existing or subsequently erected or affixed buildings, improvements and fixtures; all easements, rights of way, and appurtenances; all water, water rights and ditch rights (including stock in utilities with ditch or irrigation rights); and all other rights, royalties, and profits relating to the real property, including without limitation all minerals, oil, gas, geothermal and similar matters, (the "Real Property") located in CACHE County, State of Utah:

ALL THAT PART OF LOT 2, BLOCK 6, PLAT "D" LOGAN FARM SURVEY LYING WEST OF THE RIGHT OF THE O.S.L. RAILROAD CO.

PARCEL NUMBER: 04-081-0023

The Real Property or its address is commonly known as 1500 NORTH 600 WEST, LOGAN, UT 84321. The Real Property tax identification number is 04-081-0023.

**CROSS-COLLATERALIZATION.** In addition to the Note, this Deed of Trust secures all obligations, debts and liabilities, plus interest thereon, of Trustor to Lender, or any one or more of them, as well as all claims by Lender against Trustor or any one or more of them, whether now existing or hereafter arising, whether related or unrelated to the purpose of the Note, whether voluntary or otherwise, whether due or not due, direct or indirect, determined or undetermined, absolute or contingent, liquidated or unliquidated, whether Trustor may be liable individually or jointly with others, whether obligated as guarantor, surety, accommodation party or otherwise, and whether recovery upon such amounts may be or hereafter may become barred by any statute of limitations, and whether the obligation to repay such amounts may be or hereafter may become otherwise unenforceable.

**FUTURE ADVANCES.** In addition to the Note, this Deed of Trust secures all future advances made by Lender

04-081-0023