



APPLICATION FOR PROJECT REVIEW

☐ Planning Commission ☒ Land Use Appeal Board ☐ Administrative Review

Date Received	Received By	Receipt Number	Zone	Application Number
<p>Type of Application (Check all that apply):</p> <p> <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 checked="" type="checkbox"/> Appeal <input checked="" type="checkbox"/> Variance <input type="checkbox"/> 4950' Design Review <input type="checkbox"/> Other _____ </p>				
PROJECT NAME 872 N. 300 E. DUPLEX GRANDFATHER REQUEST				
PROJECT ADDRESS 872 N. 300 E., LOGAN, UT 84321			COUNTY PLAT TAX ID # 05-018-0015	
AUTHORIZED AGENT FOR PROPERTY OWNER (Must be accurate and complete) MIKE PAULSON, MANAGER REDBOY PROPERTIES, LLC				MAIN PHONE # 714-328-9321
MAILING ADDRESS 1980 N. 1650 E. NORTH LOGAN		CITY NORTH LOGAN	STATE UT	ZIP 84341
EMAIL ADDRESS REDBOYPROPERTIES@GMAIL.COM OR MPAULSON@GMAIL.COM				
PROPERTY OWNER OF RECORD (Must be listed) REDBOY PROPERTIES, LLC				MAIN PHONE # 714-328-9321
MAILING ADDRESS 1980 N. 1650 E. NORTH LOGAN		CITY NORTH LOGAN	STATE UT	ZIP 84341
EMAIL ADDRESS REDBOYPROPERTIES@GMAIL.COM OR MPAULSON@GMAIL.COM				
DESCRIBE THE REQUEST TO BE PRESENTED (Include as much detail as possible - attach a separate sheet if needed) REQUEST TO CHANGE HOUSE TO DUPLEX.				<p>Total Lot Size (acres) 10019 SF = .23 ACRES</p> <p>Size of Proposed New Building (square feet) N/A</p> <p>Number of Proposed New Units/Lots 1 (I think)</p>
<p>NO SITE ACTIVITY MAY OCCUR UNTIL AFTER APPROPRIATE COMMITTEE APPROVAL.</p>				
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.		<p>Signature of Property Owner's Authorized Agent</p>		
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.		<p>Signature of Property Owner</p>		

872 N. 300 E. Land Variance Request

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Description of variance request and explanation of how the variance meets various Utah State Code criteria

We are the owners of property located at 872 N 300 E, Logan, Utah 84321 (Parcel No. 05-018-0015) (referred to herein as the "Property"). We request that Logan City grant a variance to the Property that will allow the Property to be used as a duplex instead of a single family home.

Under Utah Code Ann. §10-9a-702, a variance may be granted if: (i) enforcement of an ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances; (ii) there are special circumstances attached to the property that do not generally apply to other properties in the same zone; (iii) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone; (iv) the variance will not substantially affect the general plan and will not be contrary to the public interest; and (v) the spirit of the land use ordinance is observed and substantial justice done.

As described below, our request for a variance that will allow the Property to be used as a duplex instead of a single family home meets the foregoing statutory criteria.

- I. Maintaining the Property as a single family home would cause an unreasonable hardship that is not necessary to carry out the general purpose of the single family ordinance.

Page VII of Logan City's "Logan General Plan" states, "Our vision for Logan is one where people want to stay and contribute to the betterment of all people who live here," and "Our vision for Logan is one where business, industry, and residential development are accomplished with enduring quality."

Notwithstanding Logan City's goals and vision, Logan City's single family home occupancy requirement mandates that property owners discriminate against individuals who do not meet the historical definition of a family. The denial of this variance request will cause undue hardship to the applicants because it will, for no rational reason, limit the applicants' ability to make real choices to support Logan City's goals and vision.

The applicants have supported Logan City's goals and vision by renovating the Property, keeping with the character of the neighborhood and historical use of the Property. In doing so, applicant has attracted young families to use the Property; young families who appreciate the improvements and want to remain in the Property until they can afford a house of their own. In doing so, applicants have helped the local economy by using local tradesmen to improve the Property in an amount of over \$100,000. In doing so, applicants have raised the value of the entire neighborhood.

Failure to approve this variance request will conflict with Logan City's vision to (i) be a place where all people want to stay and contribute to the betterment of all people who want to live here and (ii) encourage residential development and the accompanying economic development that accompanies such development.

- II. There are special circumstances attached to the Property that do not generally apply to other properties in the same zone.

The Property has been renovated to be used as a duplex and has been used as a duplex with Logan City approval in the past. Furthermore, the Property includes ample parking while many other properties in the zone do not, and the Property has been significantly renovated to make its use as a duplex desirable while other properties in the zone have not.

- III. Granting the variance is essential to the enjoyment of a substantial property right possessed by other properties in the same zone.

There are other duplexes in the zone that provide owners with the enjoyment that comes from providing affordable shared rental housing to people who need it. Because there are other duplexes in the same zone as the Property, granting this variance request would not create a unique situation.

- IV. The proposed variance will not substantially affect the general plan and will not be contrary to the public interest.

This variance request does not affect the general plan and is not contrary to the public interest. In fact, this variance request is in furtherance of the public interest and general plan as highlighted above.

- V. The spirit of the land use ordinance will be observed and substantial justice done if this variance request is granted.

The "spirit" of the land ordinance is difficult to define – indeed, in the many conversations the applicants have had with city officials, applicants have been unable to determine a specific definition. If the spirit of the ordinance is to encourage residents who "stay and contribute to the betterment of all people who live here" then the spirit of the ordinance will be served by allowing the Property to operate as a duplex. If the spirit of the ordinance is to "make Logan a city where business, industry, and residential development are accomplished with enduring quality" then the spirit of the ordinance will be served by allowing the Property to operate as a duplex.

If the spirit of the ordinance is to protect the residents from the boogey-man of "over-occupancy" then the spirit of the ordinance will be served by allowing the Property to operate as a duplex. Applicants have invested in the Property in order to attract residents who will be valued contributors to the neighborhood. If this variance request is denied, applicants will have no incentive to avoid simply maximizing rental returns rather than helping to build a better neighborhood.

If Logan City wants to encourage valuable investment in the community, this variance request should be approved. If Logan City wants to encourage nice and safe living opportunities for people who need it, this variance request should be approved. If Logan City, and by extension Adams Neighborhood, thinks it is a good idea to help young families find quality housing at reasonable rates, then this variance should be approved. If Logan City wishes to encourage other investors to make similar investments into the community, this variance request should be approved.

Email documentation of extension by City to grant applicant till April 2, 2018 to submit a variance request.



Michael Paulsin <mpaulsin@gmail.com>

Re: Request for extension on next steps

1 message

Michael Paulsin <mpaulsin@gmail.com>

Fri, Mar 2, 2018 at 3:55 PM

To: Mike Desimone <mike.desimone@loganutah.org>


thank you very much

On Mar 2, 2018 3:53 PM, "Mike Desimone" <mike.desimone@loganutah.org> wrote:
April 2nd is fine.

On Fri, Mar 2, 2018 at 9:15 AM, Michael Paulsin <mpaulsin@gmail.com> wrote:

With all do respect, the City took nearly 4 weeks to get back to me... all I am looking for is the same in return... please reconsider my original request to move the deadline back to April 2nd.

Mike.

On Fri, Mar 2, 2018 at 9:06 AM, Mike Desimone <mike.desimone@loganutah.org> wrote:
Greetings

We are ok with extending the appeal deadline out to Friday March 16th. If you do forward with an appeal, you will need to submit a complete application packet, including fees, by 4:30 p.m. on Friday, March 16, 2018.

Any questions, let me know.

thanks

On Fri, Mar 2, 2018 at 8:00 AM, Michael Paulsin <mpaulsin@gmail.com> wrote:
Hello Mike,

I received your note which is attached. Because I travel frequently, I ask that you extend the window of time for me to follow the next steps involving the Land Use Appeal Board until end April 2nd. That will give me time to 1) gather my thoughts, 2) meet with my lawyer, 3) attend the Adams neighborhood council meeting on March 13th to learn more and 4) make my final decision on my next steps.

My understanding is the Land Use meetings are not scheduled in advance but only upon need or request so I assume this extension won't be a problem.

I became aware of the Neighborhood Council meetings from an article in the HJ News where the Mayor facilitated a meeting with one of the neighborhoods. I let the Mayor know the information about these meetings was incomplete on the City's website. I believe the site has been modified now with dates and times.

Please confirm my request via a return email.



**8.5" by 11" plot map provided by Cache
County Recorder.**

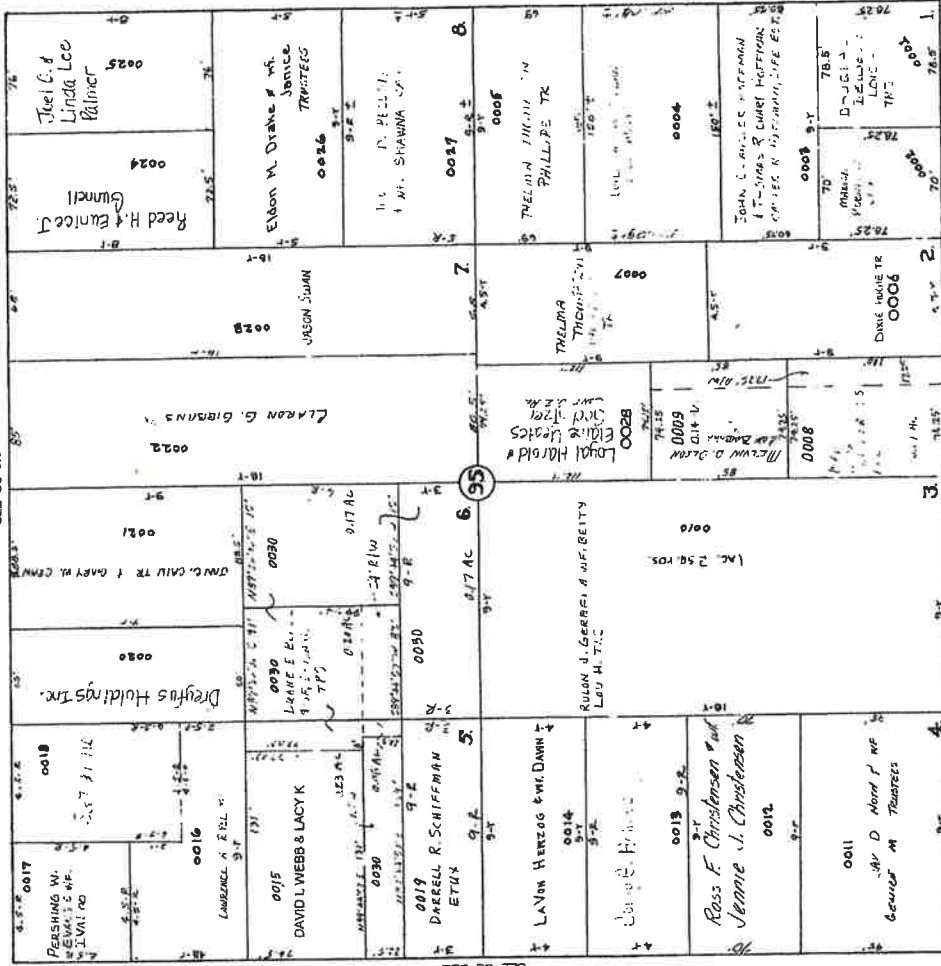
SW⁴Section 27 Township 12 North, Range 1 East ~

Scale 1 Inch = 50 Feet

TAX UNIT 27

BLOCK 95, PLAT "A" LOGAN CITY

9TH NORTH ST.



3RD EAST ST.

4TH EAST ST.

8TH NORTH ST.

SEE 05-017

**Copy of deed of title to the property
listed as “parcel 2” in exhibit A.**

AFTER RECORDING PLEASE RETURN TO:
Peck Hadfield Baxter & Moore, LLC
399 North Main Street, Suite 300
Logan, Utah 84321

MAIL TAX NOTICES TO:
Michael & Susan Paulsin
1980 North 1650 East
North Logan, Utah 84341

SM 1167411 BK 1991 Pg 367
Date: 5-Feb-2018 04:08 PM Fee \$17.00
Cache County, UT
Michael Glead. Rec. - Filed By SA
For PECK HADFIELD BAXTER & MOORE LLC

WARRANTY DEED

MICHAEL P. PAULSIN and SUSAN E. PAULSIN, Grantors of North Logan, County of Cache, State of Utah, hereby CONVEY AND WARRANT to REDBOY PROPERTIES, LLC, Grantee of 1980 North 1650 East, North Logan, Utah 84341, for the sum of Ten Dollars (\$10.00), and other good and valuable consideration, the following described tracts of land in Cache County, State of Utah:

SEE EXHIBIT "A" ATTACHED

DATED this 2nd day of February 2018.

Michael P. Paulsin
WITNESS

Michael P. Paulsin

MICHAEL P. PAULSIN

Susan E. Paulsin
SUSAN E. PAULSIN

STATE OF UTAH)
 : ss.
County of Cache)

On the 2nd day of February 2018, personally appeared before me MICHAEL P. PAULSIN and SUSAN E. PAULSIN, the signers of the within instrument, who duly acknowledged to me that they executed the same.



Taylor Lynn Roe
Notary Public

AFTER RECORDING PLEASE RETURN TO:

**Peck Hadfield Baxter & Moore, LLC
399 North Main Street, Suite 300
Logan, Utah 84321**

MAIL TAX NOTICES TO:

**Michael & Susan Paulsin
1980 North 1650 East
North Logan, Utah 84341**

Exhibit "A"

Parcel One:

Beginning 950.12 feet West of a point 88.61 feet North of the Southeast corner of Section 26, Township 12 North, Range 1 East of the Salt Lake Meridian, and running thence North 38' West 125 feet; thence South 89°34' East 115 feet; thence South 34' East 127.40 feet; thence North 88°22' West 115 feet to beginning.

Excepting therefrom: The East 5 feet in MOUNTAIN VIEW SUBDIVISION. (Parcel No. 07-002-0004)

Parcel Two:

Beginning 9 rods North of the Southwest corner of Lot 5, Block 95, Plat "A" LOGAN CITY SURVEY; thence East 131 feet; thence South 77.03 feet; thence South 89°44'57" West 131 feet more or less to the East line of 300 East Street; thence North 76.5 feet along street to beginning.

TOGETHER WITH a Right-of-way described as follows: Beginning North 50.81 feet (3 rods by record) from the Southwest corner of Lot 5 and thence North 89°44'57" East 131 feet; thence North 22.5 feet; thence South 89°44'57" West 131 feet ; thence South 22.5 feet to the beginning; as shown in Book 1931-1646, records of CACHE County, Utah. (Parcel No. 05-018-0015)

Plat 1189411 Bk 1991 Pg 368

Parcel Three:

Lot 34, HILLCREST HOMES SUBDIVISION, according to the official plat thereof as recorded in the Office of the Cache County Recorder. (Parcel No. 07-006-0011)

AFTER RECORDING PLEASE RETURN TO:
Peck Hadfield Baxter & Moore, LLC
399 North Main Street, Suite 300
Logan, Utah 84321

MAIL TAX NOTICES TO:
Michael & Susan Paulsin
1980 North 1650 East
North Logan, Utah 84341

Parcel Four:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 101, PLAT "A" LOGAN CITY SURVEY, AND RUNNING THENCE WEST 5 ½ RODS MORE OR LESS TO A POINT 60 FEET EAST OF THE WEST LINE OF THE EAST HALF OF SAID LOT 1; THENCE NORTH 5 RODS; THENCE EAST 5 ½ RODS MORE OR LESS TO THE EAST LINE OF SAID LOT 1; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 1, 5 RODS TO THE PLACE OF BEGINNING, CONTAINING 27 ½ SQUARE RODS, AND SITUATE IN THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 12 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN. (Parcel No. 05-029-0001)

Parcel Five:

Beginning at the Northwest corner of Lot 6, Block 96, Plat "A" LOGAN CITY SURVEY, thence running East 4.5 rods; thence South 9 rods; thence West 4.5 rods; thence North 9 rods to the place of beginning, situated in Section 27, Township 12 North, Range 1 East of the Salt Lake Base and Meridian. (Parcel No. 05-036-0017)

First response from City in response to applicant request for Duplex status of property.

January 22, 2018

Mike and Susan Paulsin
1980 North 1650 East
North Logan, Utah 84341

RE: 872 North 300 East, Logan UT; TIN: 05-018-0015

Dear Mr. & Mrs. Paulsin:

The Department of Community Development has reviewed your application to consider 872 North 300 East in Logan, Utah, as grandfathered as (2) residential units. Staff's decision is that the property can only be considered a single-family residence and as such, can only be used in accordance with the occupancy allowance of a single-family residence. The determination that the property could only be considered a single-family residence is based on the following findings:

1. According to the Cache County Recorder's Office and Logan City Building permit record, the original structure was built in 1947.
2. The City of Logan has building permit records from the year 1930 to present. The only building permits on record are the following:
 - a. Building permit #2539 was issued on June 28, 1946, for a new building by and for Wm. Butler.
 - b. Building permit #94-18322 was issued on August 9, 1994, for a fence permit.
 - c. Building permit #09-38979 was issued March 16, 2009 for an electric service change by Mortenson Corp for the Webbs. The number of units indicated on the permit for the property was one (1).
3. The Cache County Assessor's Office assesses the property as a Single-Family Residence. The lot size is 0.23 acres or approximately 10,087 sq ft.
 - a. The 1975 Assessor's file card indicates the property had a kitchen in the basement and was rented. A basement entry was indicated on the south side of the home. Assessment records on file as of 1995 indicate the home as a single-family residence and file images show the basement entry blocked by the deck structure. All available appraisals indicate the property was assessed as a single-family residence and was at the time of current owner's purchase.
4. The City of Logan adopted zoning regulations in August 1950.
 - a. The zoning from 1950-1973 was R-2A. The lot size would have allowed for multiple units to be established on the property with a minimum lot size of 6,000 sq ft for the existing residence and an additional 1,000 sq ft for additional units.
 - b. The zoning from 1973-1976 was R-1A. The zone allowed for a single-family residence with a minimum lot size of 6,000 sq ft and a duplex with a minimum lot size of 7,500 sq ft.

- c. The zoning from 1976-present has been a single family residential zone. No conversions or alterations to create a second dwelling unit on the property would have been permitted.
5. Results of a site inspection support the following:
 - a. The home inspection supports original construction as a single-family residence with a basement entrance.
 - b. There is adjoining interior access between the main level and basement level through an interior staircase. The home can function as a single-family residence.
 - c. The property is on one water service and has one gas meter.
 - d. There is one furnace and one water heater serving the entire residence.
 - e. Per the current owner, the basement did not have a kitchen or functional entrance at their purchase. The kitchen sink, stove, and cabinets were all added after their purchase. The basement entrance was expanded to be accessible beyond the deck enclosure.
6. Sanborn Insurance maps circa 1955 indicate one dwelling on the property with no indication of flats or apartments and lists 872 as the only address for the building.
7. Polk Directories are available for most years between 1949 and 2003 at the Logan Library:
 - a. Available directories for 1949 and 1971-1983 list a basement unit. A basement unit address was listed but the directory indicates no tenant from 1964-1969.
 - b. Directories from 1955-1963 and available directories from 1984-present list one unit and tenant family on the property.
8. Seven (7) adjacent property owners provided comment and all indicated that it had not been used for a separate basement rental in at least 25 years or were not aware that it had ever been used as a multi-family dwelling.
9. In summary, the building and permit record indicates the home was built as a single-family residence. There is evidence of use of the property of a basement rental unit for in the 1970's but the use was discontinued. As of at least 1995 there was not outside access to the basement and the home was used, assessed, and on record as a fully single-family residence.

At the purchase of this home, it was sold and represented as a single-family residence. The City's research and information from other sources such as County records, historic maps, and property directories indicate that the basement was used as a separate rental unit for a time but the use was discontinued. When a legally existing nonconforming use has been abandoned for more than a year it cannot be re-established unless it is permitted by the zoning. This area has prohibited the use or conversion of residences to duplexes since 1976. Your modifications to the property to provide for separate occupancy of the basement is a violation of zoning and work was done on the home that requires building permits that were not acquired or inspected.

The Land Development Code (§17.59.040) stipulates that a Legally Existing Nonconforming Use must be 1) legally established, and 2) continuously occupied since the time the use was established. No use may be considered legally existing nonconforming if the use was never legally established, this might include (but is not limited to) any combination of appropriate licenses, permits, or fees.

If you are not satisfied with the above decision you are invited to submit more information that substantiates proof of the legal establishment (permitting) of your multiple units within fifteen (15) days from the date of this letter. If convincing information is not received by 4:30 p.m. on February 6, 2018, your application will be denied. If your application is denied, you will

have ten (10) days from such denial date to appeal staff's decision to the Land Use Appeal Board; an application and an appeal fee would be required by 4:30 pm on February 16, 2018, at City Hall. Please contact the Community Development Department at (435)716-9036 with any questions regarding the processing of your request.

As a single-family residence, the regulations for properties in Logan City allow a dwelling unit to be occupied by either a family (everyone in the unit is related by blood, marriage, or adoption) or a maximum of three (3) people, if not related.

Also, the matter of electrical and structural work being done on the property without building permits needs to be resolved. Please contact the Building Official, Paul Taylor, at 435-716-9032 or paul.taylor@loganutah.org as soon as possible to rectify these violations.

Sincerely,



Michael A. DeSimone, AICP
Director of Community Development

**Applicants response to City's first
response to applicant's request for
Duplex status of property.**

Dear Mr. DeSimone,

Thank you for your response and the background of the house. We found it interesting and appreciate having the history. We actually thought the house was older than it is.

This response/appeal is in response to the City's decision which we've included as attachment 1. We recognize City staff have only so much latitude in their ability to apply personal judgement in the application of ordinances developed by others with best intentions. We bear no bad will towards anyone we've met at the City or to the neighbors who responded to the City's survey. But because our appeal is based on our situation, we are including City Council members on this communication because our understanding is they are the ones primarily responsible for policies that we feel, at least in our situation, may be perpetuating the challenges the city is trying to address and that lead to unintended consequences detrimental to all involved.

We hope our perspective will help City Leaders with their responsibility to all tax paying citizens regardless of owner, landlord or tenant status. We are not trying to fight City Hall but rather contribute to the conversation in a meaningful way by sharing our situation and perspective. Managing through change is hard but resisting change is a no win battle as history demonstrates over and over again.

First, a few points of clarification...

1. Your note stipulates... "Per the current owner, the basement did not have a kitchen or functional entrance at their purchase." I think what I said was, that at the time of our purchase of the home, the basement had remnants of a kitchen (*separate hot and cold faucets for a sink, water and electrical hook-ups for a washer and dryer, a refrigerator, electrical hook-ups for a stove and a floor-to-waist high counter/prep surface... I don't know what appliances were removed prior to us buying the house*). My point was that clearly the basement had been used as a kitchen as part of a separate dwelling as confirmed by the City's research... for exactly how long or how intermittent would be at best a guess on our part or anyone else's.
2. Also, as I tried to explain during the City's site visit, the entrance to the basement was functional but not safe or practical in our opinion. The door to the basement worked fine and ingress and egress through it was easily achieved and no doubt used to move stuff in and out of the basement. It was however not practical as you had to crawl under the deck to get to it. Our investment to extend the existing basement entrance made it 1) practical, 2) safer (*not only for practical use but for any type of possible needed future emergency egress from the basement to outside*) and 3) allowed us to install a sump pump that drains away from the house to the street (*versus directly into the City sewer system which others in the neighborhood have disclosed to me they do*).

3. The City's online materials state occupancy for a single family residence may not exceed a family (*without any limit to the size of house, condition of house, size of family, # of cars or room for parking*), or "more than three (3) unrelated adults". In your letter, you word the 2nd part of that sentence differently and say "to a maximum of three (3) people if unrelated". At face value, these statements mean two different things or are, at best, ambiguous. The first statement, taken as written, would provide for 2 related people and 2 unrelated people to occupy a single family residence (*for example, two couples*). In this case, in total, there are four people but no more than three (3) in any combination that are all unrelated to someone else. We have talked to many people including realtors, lawyers and other landlords who read it exactly this way. So regardless of your reconsideration of our appeal, you may want to clarify your online guidance and forms to be more specific as it was in your note denying our request to classify the property as a duplex.

In regards to our appeal, we assume the burden of proof to demonstrate the basement unit had not been abandoned as a separate dwelling is on us, the buyer, despite the City having historical records indicating at times it was a separate unit. For the record, it was City representatives who identified what used to be two separate electrical meters servicing the house and who encouraged us to apply for duplex status. This was something we did not notice or understand, but taken with the fact that the basement unit clearly had been used as a separate kitchen in its history, made us at least feel like our thinking and assumptions were not unreasonable or irrational.

Not knowing or being unable to prove the basement unit had not been abandoned for 12 consecutive months at any time since zoning laws were modified over 40 years ago, the basis for our appeal is based more on common sense and judgement applied to the goals of the City's master plan which we think, in overview, is to make sure Logan is a safe and friendly city with neighborhoods that are physically well maintained and where goodwill among those of varied backgrounds and situations is strong.

The following is from the City's 2006 Master Plan, page 10-3.

"The Adams neighborhood is located between Main Street and the University. Since the 1950's, this area has changed from a predominantly owner-occupied area to a high concentration of rental units. This is due, primarily, to its proximity to the University. The majority of homes in this neighborhood were built between 1940 and 1970 as single family structures. Many of the larger blocks have been in-filled with multi-family structures. Infill opportunities are limited in this district. This neighborhood needs to be stabilized to prevent further deterioration of the single family component of the neighborhood."

We will focus on the last sentence of the above paragraph... "This neighborhood needs to be stabilized to prevent further deterioration of the single family component of the neighborhood."

Our nephew and his young family recently were looking to buy their first house. We encouraged him to look in some of the older Logan areas as there were some cute neighborhoods and good price points for fixer-uppers. He smiled and said, "Uncle Mike... I don't have \$40,000 to put down on a house and then spend possibly that again fixing it up." So you know what he did? He bought a newer house in Nibley in a zone where no down payment was required to get a loan.

On a price/sf basis, he paid approximately 30% more for a home than he could have found in Logan. And while old homes have old bones but they are good bones.

When you drive around his new Nibley neighborhood, it is filled with young families the kind of which my wife and I assume master planners for Logan would like to see re-energize Logan neighborhoods that are suffering from gentrification.

Unfortunately for Logan, micro-economics works and as long as others can buy newer homes with less money needed up-front for down payments or refurbishing, the City's older neighborhoods, in our opinion, risk further decay similar to the fate hundreds of other neighborhoods across the country have experienced where adjacent open land is cheap and houses are newer or where easier financing is available through a builder or some government subsidized program. This is especially true in neighborhoods where rentals already exceed owner occupied dwellings... in other words, that train has left the station. Logan is a great town... but it is not the only game in town for young families looking to live..

So how does a landlocked neighborhood, made up already of mostly rental homes or dated owner occupied homes compete? It can't. The best it can do is delay the inevitable which is more and more gentrification which gets expedited by well intentioned ordinances that may actually discourage investment by those capable.... especially given the reality of options available to those without enough money to fund a down payment.

Now let's look at our property at 872 N. 300 E.

It is approximately 2,600 sf in size. In the year we've owned it, my wife and I have brought it back to life mostly because we take pride in what we do. And we've used primarily local highly skilled tradespeople to do so contributing tens of thousands of dollars to the local economy in our effort to improve the house and therefore the neighborhood as well. Following are some of the outfits we've used.

- Bennet's Glass
- Bridge Plumbing
- CJ's Electrical
- ABC Seamless Gutters
- Legacy Lawn Care
- Cody Ricks (tree service)

- Four Seasons HVAC
- Hooker Appliance
- Beazer Lock & Key
- Sherman Williams
- IPACO
- Home Depot, Lowes, Cal Ranch, Harbor Freight & countless others

In addition, our family has spent hundreds of hours doing what we were capable of doing on our own like painting every square inch of the inside, fixing old appliances, making sure the yard was nice and well kept, cement caulking all distressed brickwork, cleaning debris left by prior owners, removing 4-5 unsightly and dangerously installed a/c units from windows, etc... to name just the things that come to mind. It is now a house we ourselves would happily live in and actually may one day as our lives change.

We also purchased a brand new lawn mower, weed wacker, yard blower and snow blower to be used by our tenants to maintain the property which they have done. We always asked the adjacent neighbors permission before doing any yard work where property lines were hard to delineate, paying for the work ourselves without asking for cost sharing, and even occasionally mowed the lawn of one neighbor who was struggling to keep their property up. When the flooding occurred, we happily donated our air mover to a neighbor to dry out their basement when their sump pump didn't move enough water out and they suffered water damage in their basement. We gave the window air conditioners that came with the property away to neighbors who needed them rather than sell them.

We ran out of warm months to finish what we started but had planned on investing further in the property in 2018 in the areas of 1) painting the trim of the house and the garage, 2) buttoning up a leaky garage roof, 3) removing an old failing shed and 4) updating the landscaping.

We did our best to improve our property, with plans to do more, and be good neighbors to those around us regardless of their status as owners or renters and without regard to their race, creed or country of origin. And, while we could generate at least as much if not more rental income by renting to students, we chose to rent to two young couples who were starting their lives with each telling us they were trying to start a family. All four of them were responsible, worked full-time and all they were looking to do was live in a house that was clean and safe at a reasonable rental rate to save some money so they too could buy a house one day... maybe even in Logan. As a matter of fact, one of the couples said they would love to buy the house we had fixed up once they saved enough pending our interest in selling.

In total these two couples had four cars... two of which were parked inside the two-car garage and two of them parked in the driveway with plenty of room to spare for 2-3 more cars easily. We felt this decision would make at least two neighbors happy who, upon our purchase of the property, were quick to tell us they didn't want students renting the property and that they were not fond of investors. In our experience, we have found most home owners are not fond of

investors until they want to sell their home. Then damn the torpedoes... their house goes to the highest bidder.

When Paul Taylor and James Geier originally asked to meet with us at the property, I showed them around. We were happy they acknowledged the property had plenty of parking, was extremely well kept and James even said something to the effect of ... "if everyone did what you did, we wouldn't need to have these ordinances and rules." That made us feel good and we very much appreciated James acknowledging what was a ton of work done by us to make the house a very nice house.

And last....

In this day and age when a genetically born man can "identify" as a woman and visa versa, who are we, or you or anyone to say that individuals, unrelated by blood, marriage or adoption, can't "identify" as a family unit to allow each to benefit individually through their collective pursuit of a common goal to be happy and prepare for their future. Some of my best and dearest friends are as close to me as family. And how can anyone justify that it makes any sense whatsoever for an unlimited number of related family members with an unlimited number of cars to live in a small, filthy, poorly maintained house with limited parking while not allowing two couples with four cars live in a big, clean, well-maintained house with adequate parking. It feels arbitrary, illogical and, at face value, discriminatory. As with most young people starting out, my wife and I rented for several years. We shared a home with two other young couples. We were all good tenants, good citizens, good neighbors and contributed to the goodwill in our neighborhood. Our sharing of expenses helped us both save money and get ahead.

So to wrap this up.

We will once again focus on the City's own words, "This neighborhood needs to be stabilized to prevent further deterioration of the single family component of the neighborhood," and propose some questions for the City to consider in its evaluation of our appeal request and possibly to help elected council members think carefully about decisions facing them. The City may also want to consider adding these type of questions to your neighborhood surveys to provide a more balanced view of the reality of any future specific situation similar to ours.

1. Did the Paulsins improve the property?
2. Do the Paulsins and their tenants maintain the property?
3. Do the Paulsins pay their property taxes and utilities on time?
4. Have any neighbors ever had to call the police department to report a disturbance from the Paulsins or their tenants.
5. Do two young couples trying to start a family living in the same house add to the goal of preventing the further deterioration of the single family component of the neighborhood more or less than three different college students living there every year?

6. Do two young couples trying to start a family put more of a burden on the City's resources and the neighborhood than a very large family?
7. What would help the City achieve its goals more?... spending more money on enforcement of ordinances that may discourage investment and that fall short in acknowledging the reality of change... or dedicating available funding to hire smart people to engage with County, State and Federal agencies and lending institutions to help provide similar "no money down" or "low money down" options for first-time buyers to compete with areas where this type of financing is available. *(As a matter of opinion, we believe the 2nd option would not only drive more young families into Logan but also increase property values for existing owners as well.)*

Additionally, we respectfully ask to be provided the home addresses of the seven neighbors that responded to your survey so that we could send them a copy of our response. We don't want their names or their survey responses but only their addresses. We feel it may be helpful for them to hear us out to understand our goal is not to be a slumlord. Like they have, we too have invested in Logan and want our tenants and neighbors to be happy because it is good for our investment and because it makes us happy to help folks that need a good place to live.

In the event our appeal is denied, we also feel it is important for others to recognize and remember we have approached them in good faith with full transparency. We hope our situation and our actions to date to bring the house back to life speak louder than our words. In the event the City denies our appeal, we also want the neighbors to know our position so they understand why we will no longer invest any more in the property to maximize value and goodwill. Rather our goal will be to maximize profits while meeting the minimum requirements of city ordinances. We will aggressively pursue all tenant options including students, vrbo, airbnb, etc... with no regard to the vision of city planners but only with regard to compliance. We will simply move on and reinvest our profits from this property into other ventures or neighborhoods instead of back into the Adams neighborhood.

As far as further inspections above and beyond the two visits already made to our property by City staff, we will be happy to have them back again to inspect the work done. In our opinion and understanding, nothing we did was structural to the house and therefore did not require permits. If additional work is required to make the house safer than we've already made it, we will happily comply with any reasonable suggestion and pay for permits. Our primary goal in any work we do is always safety.

Thank you for your consideration and for listening.

Sincerely,

Mike & Susan Paulsin

PS... Please refer to the following link where officials kept an open mind to the reality of change. While we don't know the status of the situation today, officials at least paused to reconsider their "one size fits all" ordinance.

<https://utahvalley360.com/2015/04/07/provo-stays-occupancy-law-se-part-city/>

Cc: Amy Andersen, Jess Bradfield, Michael Camp, James Geier, Tom Jensen, Herm Olsen, Michael Peck, Craig Petersen, Jeannie Simmons, Paul Taylor, Lindsey Young

City's 2nd response including direction that applicant should pursue matter through the Land Use Appeal Board.

February 26, 2018

Mike and Susan Paulsin
1980 North 1650 East
North Logan, Utah 84341

RE: 872 North 300 East, Logan UT; TIN: 05-018-0015

Dear Mr. & Mrs. Paulsin:

Logan City has reviewed your letter received February 6, 2018, as to new information on the findings on your property. You provided three (3) points of clarification. Points 1 and 2 were regarding the kitchen and entry into the basement and the home specifically. The City is trying to determine if the use of the property as two (2) units was legally established and continually used. As to the kitchen, our understanding was that there was not a functioning kitchen at your purchase. We were looking for evidence for the last point the downstairs area was a functioning separate unit. The remnants of a kitchen as you described do not indicate there was a functioning kitchen at the time you acquired the property. We don't contest that there was a kitchen in the basement area at some point but we must have evidence to tie it to use as part of separate unit and active use. The presence of a kitchen in the basement is also not ample evidence to verify a separate legal unit; single family home may have multiple kitchens.

As to the basement entrance, your information indicates that the basement door was operational but was accessed by crawling under the deck. Our photos on the history of the property show the deck added as early as 1995 with slats along the deck from the floor to the ground. Since that time, it would appear that the entrance was not safe or practical, as you mention. The only regular basement access would be through the internal staircase in the home. This coincided with other assessor and utility information that the use of the home as a multi-unit property was discontinued.

As to the occupancy definition, the Land Development Code land use table does read: Residential occupancy of a dwelling unit by a family, or no more than three (3) unrelated individuals. This has been defended and enforced to indicate a family (one or more persons related by blood, adoption, or marriage) **OR** no more than three (3) unrelated individuals. The code does not allow for unrelated groups of people, it specifies individuals.

The information regarding the kitchen and the door are not adequate for the City to make findings that the use of the property as two (2) units was legally established and continually used in this manner. **The grandfathering request is denied.** The letter sent January 22, 2018, states that should the request be denied following any new information that an appeal must be submitted to the Land Use Appeal Board with an application and fee. Your letter indicated a desire to appeal this decision so I am attaching an application for your convenience. **The application packet and fee will need to be submitted within 10 days of this letter by 4:30 pm on March 9, 2018.** If an appeal is not submitted, a Notice of Occupancy Restriction will be sent to the Cache County Recorder's office for recording on the property. This document is the official record that the City of Logan recognizes the use of this property as one (1) dwelling unit.

As an owner in Logan City with a desire to contribute to the dialogue on City issues, I encourage you to be involved in upcoming neighborhood meetings with the Mayor, City Council, and City staff to look at issues in the respective neighborhoods. You have properties in the Adams and Hillcrest neighborhoods. The Hillcrest meeting is at City Hall on Tuesday, February 27th at 5:30 pm and the Adams meeting is also at City Hall on Tuesday, March 13th at 5:30 pm. The topics of over-occupancy, neighborhood improvement, and property maintenance are specifically on the agenda for those meetings. There will be future meetings for each group and information will be on the City website and available from staff and Council members.

These neighborhoods also have Neighborhood Plans that go into more specifics on the implementation of the City's Master Plan, the Logan General Plan that you referenced. Both documents are available on the City website.

Sincerely,



Michael A. DeSimone, AICP
Director of Community Development

Attachment:

List of property owners and addresses that received notice on the Grandfathering application

OWNER	Address	City	State	Zip
JOSEPH WILLMORE	285 E 870 N	LOGAN	UT	84321-3333
BRENT & VIRGINIA J JEPPESEN	295 E 800 N	LOGAN	UT	84321-3329
ROSS F & JENNIE J CHRISTENSEN	822 N 300 E	LOGAN	UT	84321-3321
DOUGLAS SCOTT & PATTY BATES	339 E 900 N	LOGAN	UT	84321-3437
JASON E & CARRIE OLSON	309 E 900 N	LOGAN	UT	84321
MUZAFFER YENER	340 E 900 N	LOGAN	UT	84321-3438
KENDALL RAY ANDELIN	6584 S CASTLEFORD DR	TAYLORSVILLE	UT	84129
WENDELL & JOAN L SHEPHERD	368 E 900 N	LOGAN	UT	84321-3438
JUSTIN T & AMANDA ALLEN	297 E 870 N	LOGAN	UT	84321
SHEA J & JENNIFER BETTENCOURT	540 HILLSBOROUGH DR	PROVIDENCE	UT	84332
MAURICIO & CONCEPCION MOLINA	165 N 800 E	HYRUM	UT	84319-1149
MICHAEL P & SUSAN E PAULSIN	872 N 300 E	LOGAN	UT	84321-3321
DUANE E & LEISA BLACK	864 N 300 E	LOGAN	UT	84321-3321
R PARRY & CONNIE S WINDER	157 SO. SHERWOOD DR	PROVIDENCE	UT	84332-9687
BYRNA L DUSTIN	286 E 870 N	LOGAN	UT	84321-3333
LAVON H & DAWN HERZOG	846 N 300 E	LOGAN	UT	84321-3321
BETTY LOU GERBER	339 E 800 N	LOGAN	UT	84321-3431
LORI HILLS	361 1/2 E 800 N	LOGAN	UT	84321
JERALD W & FLORENCE GREAVES	276 E 900 N	LOGAN	UT	84321-3332
KELLY DEE HARRIS	892 N 300 E	LOGAN	UT	84321-3321
JOSHUA H & HALEY EGAN	1835 N 1350 E	NORTH LOGAN	UT	84341-2159
RUSSELL H & CYNTHIA WRIGHT	296 E 900 N	LOGAN	UT	84321-3332
DON & JANICE CLAWSON	336 E 900 N	LOGAN	UT	84321-3438
COLBY G & MARADEAN HOLMES	838 N 300 E	LOGAN	UT	84321-3321
TYLER D STOKER	882 N 300 EAST	LOGAN	UT	84321
THELMA THOMPSON PHILLIPS	849 N 400 E	LOGAN	UT	84321-3415
JAY D & GENICE HOTH	307 E 800 N	LOGAN	UT	84321-3431
JAY SCHIFFMAN	299 E 1300 N	BOUNTIFUL	UT	84010
MICHAEL & KAREN TEUSCHER	295 E 900 N	LOGAN	UT	84321-3331