



# RECORD OF DECISION LAND USE APPEAL BOARD

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At its meeting of April 19, 2023, the Logan City Land Use Appeal Board denied LUAB 23-001; a request to appeal a decision by the Logan Planning Commission denying a subdivision permit for Mountainside Estates Subdivision Amendment (PC 22-056) to reconfigure and convert the southern-most 8 building lots into 12 new building lots for a net increase of 4 additional building lots located at approximately 1200 East 1400 North in the Suburban Neighborhood Residential (NR-4) zone; TIN 05-126-0017-0025 (Hillcrest Neighborhood).

## Planning Commission's FINDINGS FOR DENIAL – Amended by the LUAB

1. The Planning Commission determines the proposal is unreasonably safe for human habitation and a violation of LDC 17.24.070.C. The construction of these proposed lots creates an unsafe condition for the adjacent lots to the north without any reasonable long-term assurances.
2. As per LDC 17.40.060.A, the Planning Commission determines the proposed building lots physically unsuitable for development due to access constraints, the unknown ownership of the 20-foot gap along the south frontage, construction sequencing, and geotechnical challenges.
3. As per LDC 17.49.010, the Planning Commission determines compliance with conditions, particularly the long-term infrastructure maintenance and inspection for the overall durability of the walls, is unattainable and without guarantee. The development failed to comply with the condition to maintain the 2 to 1 slope.
4. The Planning Commission determines that the health, safety, and welfare of neighboring properties, residents and nearby City infrastructure would be jeopardized if this application was approved as proposed.

## LUAB FINDINGS FOR DENIAL

1. The Planning Commission acted appropriately when interpreting and applying the LDC standards to this project proposal.
2. The applicant's reluctance to firmly commit at the meeting to the maintenance of the walls and the future capability to show that the project would not sufficiently meet LDC 17.24.
3. The goal of the LDC Critical Land Overlay is to protect life and property and that these areas are extremity sensitive and that alternative development should be considered.

## MOTION

The Board's action came on a motion by Board Member Amanda Davis, with a second by Board Member Josh Runhaar. The motion passed by a vote of 3-0.

**Legal Description**

----- 2023 -----

Owner(s): Capstone Consulting LLC, Shree Giriraj Ji Inc

Parcel 05-126-0017

Legal Description: ALL OF LOT 17 MOUNTAINSIDE ESTATES CONT 0.47 AC

Parcel 05-126-0018

Legal Description: ALL OF LOT 18 MOUNTAINSIDE ESTATES CONT 0.34 AC

Parcel 05-126-0019

Legal Description: ALL OF LOT 19 MOUNTAINSIDE ESTATES CONT 0.34 AC

Parcel 05-126-0020

Legal Description: ALL OF LOT 20 MOUNTAINSIDE ESTATES CONT 0.34 AC

Parcel 05-126-0021

Legal Description: ALL OF LOT 21 MOUNTAINSIDE ESTATES CONT 0.34 AC

Parcel 05-126-0022

Legal Description: ALL OF LOT 22 MOUNTAINSIDE ESTATES CONT 0.33 AC

Parcel 05-126-0023

Legal Description: ALL OF LOT 23 MOUNTAINSIDE ESTATES CONT 0.33 AC

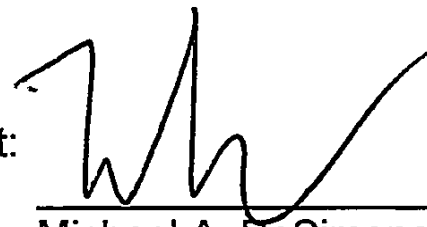
Parcel 05-126-0024

Legal Description: ALL OF LOT 24 MOUNTAINSIDE ESTATES CONT 0.32 AC

Parcel 05-126-0025

Legal Description: ALL OF LOT 25 MOUNTAINSIDE ESTATES CONT 0.37 AC

Attest:

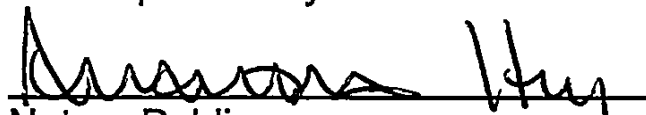


Michael A. DeSimone, AICP  
Community Development Director

City of Logan

State of Utah     )  
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County of Cache )

On this 25<sup>th</sup> day of APRIL, 2023, before me, Amanda Hovey, a notary public, personally appeared Michael A. DeSimone, Community Development Director for the City of Logan, who is personally known to me and who signed the above permit.

  
Notary Public

