

BOARD OF ADJUSTMENT MINUTES
December 8, 1998

Present: Acting Chairman Bud Neslen, Ron Barlow, Gordon Thomas, Brent Wynn, Kevin Murray, Planning and Redevelopment Director Blaine Gehring and Recording Secretary Connie Feil.

Absent: Vice-Chairman Verlon Duncan, Planning Commission Representative Lois Williams, and City Prosecutor J.C. Ynchausti.

Bud Neslen welcomed all those present and had the Board Members introduce themselves. Ron Barlow made a motion to approve the minutes for November 10, 1998 as written. Gordon Thomas seconded the motion and voting was unanimous.

1. Approve Findings of Fact regarding action on the Joseph Poirer application at 560 East 1200 North.

Ron Barlow made a motion to approve Findings of Fact regarding the Joseph Poirer application at 560 East 1200 North. Gordon Thomas seconded the motion and voting was unanimous. Brent Wynn and Kevin Murray abstained from voting.

2. Consider a 15 foot variance to a required 30 foot front yard setback at 3634 & 3642 S. Bountiful Blvd., John Tebbs, applicant.

John Tebbs, applicant, was present. Richard Williams, residing at 3602 S. Bountiful Blvd, was also present. John Tebbs explained that he bought the two lots with the intention of building in the center of the lots and having large side yards. After purchasing the property Mr. Tebbs was informed that there is a sewer line in the easement along the common property line of the two properties. This sewer line cannot be built over. Mr. Tebbs can relocate the sewer line to build more in the center or build on either lot. He wishes not to relocate the sewer line for expense reasons. Mr. Tebbs' first choice of a home was so large it was impossible to arrange on a single lot. The design that is now being suggested will also require a variance to build on either lot.

There was a lengthy discussion on relocating the sewer lines to allow for the larger home without any variances, redesigning the current plans to fit the area allowed on both lots or granting a variance to build on either lot. The subdivision covenants require a home to be a minimum of 1200 sq. ft., Mr. Tebbs is requesting a home of 1700 sq. ft. which will not fit within the setback requirements.

Mr. Gehring explained that he stands by his written memo to the Board Members on this issue. Indian Springs Estates Subdivision was officially approved April 26, 1978. Lots 23 and 24 of that subdivision were created as flag lots with adjoining stems. The ordinance at that time, and subsequently until the recent repeal of flag lots, required a 30 foot front yard setback from the lot line closest to the street. Side yards were the same as they are now in the zoning ordinance.

Mr. Tebbs has purchased both lots with the intention of building one home on the combined lots. He would like to locate the home on the northern portion of the parcels.

As part of the subdivision development, a sewer line was located somewhat along the property line between the two lots. While it lies within the easement, it does pose a problem in locating a home where Mr. Tebbs would like. Mr. Tebbs has gotten approval from South Davis Sewer to move the sewer line which Mr. Tebbs prefers not to do.

Before Mr. Tebbs filed for the variance, Mr. Gehring drew the minimum setbacks on his plot plan and showed him a couple of proposals which would fit within the ordinance. Mr. Tebbs did not like them and preferred to have the house where he has proposed it and in the configuration he has shown. This is a recorded buildable lot and can be built on without a variance. There is no hardship here. The proposed house is the house Mr. Tebbs wants. It can be altered to fit the requirements.

Based on the findings that the Board must make according to State Law, Mr. Gehring can see no reason for granting this variance. Mr. Gehring recommends denial of the request.

After another discussion Ron Barlow made a motion to deny a 15 foot variance to a required 30 foot front yard setback at 3634 S. (lot 23) Bountiful Blvd. Brent Wynn seconded the motion and voting was unanimous. The denial was based on the fact that there is room on the lot if the design of the house is changed and there is no hardship. This lot can be built on.

Gordon Thomas made a motion to deny a variance for 3642 S. (lot 24) Bountiful Blvd. Kevin Murray seconded the motion and voting was unanimous. There was a brief discussion on the motion. Kevin Murray expressed his opinion that this motion was not proper in that it was not the variance applied for or advertised.

Mr. Tebbs was given an option to return next month with a different proposal. Mr. Tebbs mentioned that he would try to redesign the home to see if it could be placed differently. Mr. Tebbs left the option open for a future date. Mr. Gehring stated that he would recommend denying any variance because it does not meet the requirements.

There were four letters in opposition of the variance that will be recorded with the minutes. The meeting adjourned at 8:20 p.m.