

**BOARD OF ADJUSTMENT MINUTES**  
**June 8, 1993**

Present: Chairman K. D. Simpson, Gene Bangerter; Mark Green, Planning Commission Representative; Blaine K. Gehring, Planning and Redevelopment Director; Shirley Chevalier, Recording Secretary

Absent: Frances Spencer and Kirk Heaton

Minutes of February 9, 1993 were unanimously approved as written.

**Petition No. 93-2** Glendwr R. Davies, 1653 South 500 East

Permission to add an extension to the roof of an existing garage which would encroach 6 ft. into the front yard setback.

Mr. Davies said he has a metal roof and in winter the snow slides off onto the driveway. The extension would hold the snow back so it would not block access to his garage. Since the garage is under the house, the driveway is 6 ft. lower than the front of the house. The extension would be approximately 2.5 ft. above the opening of the garage door. Three days a week he leaves the house at 4:00 AM which is too early to use his snowblower. Mr. Davies' neighbors voluntarily signed a statement that they would not be opposed to this variance.

Mr. Gehring said that in looking at the front yard setback, the side yard was neglected. This is a corner lot and the street side setback, other than front yard, is 20 ft. There appears to be approximately 29 ft. to the garage wall. This would mean the variance request would be for 1 ft. or less, rather than 6 ft. He would be allowed to go out to 20 ft.

Gene Bangerter made a motion to grant the variance as requested; seconded by Mark Green; voting was unanimous. The Board felt that a variance of 1 ft. rather than 6 ft. is minimal and would have no impact, visual or otherwise, to the neighborhood.

**Petition No. 93-** Ronald C. Hansen, 776 North 100 East

Permission to construct a detached garage on a corner lot, with a side yard setback of 2.5 ft. on the 750 North Street side. Ordinance requires a setback of 20 ft.

John Dennis, 195 East 750 North, stated that Mr. Hansen asked him to act as his representative this evening inasmuch as Mr. Hansen is in Denmark until June 20, 1993.

Speaking for Mr. Hansen, Mr. Dennis stated the only other location he could build the garage would block off the rear entrance to his house and a rear window. It would also involve rerouting of the sprinkler system. He does not feel the view would be further altered from what it is now since there is an existing 6 ft. high block wall in the area where the garage would be located. There was a carport which was enclosed to add to the living space, and this has necessitated the need for the garage.

There were four letters from property owners objecting to the variance, and several were present who spoke in opposition to granting the variance because it will further block their view down the street, and it was felt the lot was too small to put another structure on.

Mr. Gehring reviewed the ordinance which states that an accessory building must be placed 5 ft. behind the rear of the structure, can be built to within 1 ft. of the property line provided it meets the building codes and the drainage is maintained on the subject property, and is no closer than 12 ft. to the nearest residence.

Mr. Hansen could build the garage between his home and rear property line, meeting all of those requirements without the variance. He could have access off 750 North but it would mean taking out part of the brick wall. If the ordinance can be met, the variance should not be granted.

Chairman Simpson stated that the Board has three options: approve the variance, deny the variance, or table until Mr. Hansen has returned and can present his own case.

Mark Green said that when Mr. Hansen filed his petition, he knew the date of the hearing yet chose to be gone, and in his opinion, this negates the Board tabling this for another month to get Mr. Hansen's input. He further feels there is nothing more to be argued in favor of approving this variance request.

Mark Green made a motion to deny the variance; seconded by Gene Bangerter; voting was unanimous.

**Petition No. 93-4**

Duane Wagstaff, 3023 S. 500 W.

Permission to construct a single family dwelling with a front yard setback of 20 ft., ordinance requires 30 ft., and a side yard setback of 6

ft., ordinance requires 8 ft. Property is optioned for purchase by Mr. Wagstaff.

Mr. Wagstaff's parents were present since Duane could not meet the scheduled beginning time. The agent for the owners of the property was also present. The sale of this lot is contingent to this variance being approved.

The proposal is to build a 1,040 sq. ft. home facing 500 West. It is an odd shaped lot, and without the variance, this lot will be unbuildable and will become overgrown with weeds.

Two letters were received by the Planning Department regarding this variance; one for approval and one against because of the volume of traffic at that intersection.

There was concern about locating a fence on Orchard Drive, and Mr. Gehring said he would like to work with Mr. Wagstaff and the Police Department in determining where the fence could be placed that it doesn't obstruct vision.

The carport would have to be built behind the residence, but in order to avoid backing out onto Orchard Drive, he would need to provide a turnaround, and there is room to do this.

Reed Roberts, 2941 S. 500 W., has no objections to the variance to allow a home to be built on this property, but his concern was for the traffic. He said there would be less problem to drive out onto Orchard Drive than 500 West due to the large volume of traffic that turns off Orchard Drive at this intersection to proceed north.

Mark Green made a motion to approve the variance as requested with the stipulation that Mr. Wagstaff consult with the Planning Director if he chooses to put up a fence; seconded by Gene Bangerter; voting was unanimous.

**Discussion regarding adopting a provision in the new zoning ordinance to appoint an Administrative Hearing Officer:**

(Postponed from May 11, 1993)

Mr. Gehring stated the Planning Enabling Legislation for the State was changed about a year ago, and it provided for an Administrative Hearing Officer to be able to hear minor variances to the ordinances regarding setbacks, total square footage, and lot widths. It would be put into the ordinance, but the Board of Adjustment would designate those things that should be heard. This is very new and the only other city that has adopted it at this time is Provo City, and they are handling it on an administrative policy basis. Mr. Gehring prepared a proposed ordinance and said it does meet the intent and scope of the law.

The Board discussed their approval of this proposal and felt that a review could be made on an annual basis at their first meeting each year, wherein they could make changes as to what could be heard by the Administrative Officer. Chairman Simpson said this would keep the control within the Board of Adjustment.

Mr. Gehring said the procedure would be that he would notify the Board Chairman of each request to make sure that he is comfortable with it. Based on State law, if, in the future the Board of Adjustment feels this ordinance as a whole is inadequate, they can request to City Council that it be altered, deleted, etc. After receiving a letter from the Board Chairman, Mr. Gehring would put a recommendation before the City Council to amend the ordinance, and a public hearing would be held.

Meeting adjourned at 8:05 PM.