

BOARD OF ADJUSTMENT MINUTES
January 9, 1996

Present: Chairman Paul Summers, Kevin Murray, Verlon Duncan: Lois Williams, Planning Commission Representative; Mike Nielsen, City Prosecutor; Blaine Gehring, Planning and Redevelopment Director; Connie Feil, Recording Secretary.

Absent: Vice Chairman Sydnie Shurtliff and Dean Thurgood.

Paul Summers welcomed all those present then introduced the Staff and Board of Adjustment Members.

Previous to the meeting Sydnie Shurtliff called to excuse herself from the meeting and asked if the following could be added to her statement on the minutes.

Mrs. Shurtliff noted that Mr. Brunson's property borders the creek and the back yard will not be seen by the public. This property has plenty of foliage and trees for privacy. She has a different feeling about this issue knowing that there is some privacy. Since some neighbors are feeding the deer and others will not allow the Wildlife Personnel on their property she feels that an eight-foot fence should be allowed.

Verlon Duncan made a motion for the approval of the minutes for November 14, 1995. Motion was seconded by Kevin Murray and voting was unanimous.

1. Election of Chairman and Vice-Chairman for 1996.

Blaine Gehring suggested that, because several regular members are absent, the election be tabled until the next meeting. All of the members present agreed so the elections will be held at the next meeting.

2. Consideration of a variance to allow less than a 30 ft. front yard setback and to build on greater than 30% slopes at 1374 E. Canyon Creek Drive, Robert Tibbits, applicant.

Bonnie Tibbits, applicant, and Dan Vanzeben, representing the applicant were present. Mr. Summers invited Mrs. Tibbits and Mr. Vanzeben to explain their request for this variance. Mr. Vanzeben explained that one of the issues would be to move the house 5 feet into the 30 foot setback leaving a 25 foot setback and to build a home on greater than 30% slope.

Mr. Vanzeben mentioned that this is a unique situation with the creek coming close to the road on the east side then bends and comes around close to the road on the west side. The creek prevents the home from being built with the required 30 foot front yard setbacks. Some surrounding homes have less than 30 foot front yard setbacks. With these existing conditions the Tibbits are asking for approval for a 25 foot front yard setback.

The Hillside Ordinance does not allow any building on a 30% slope. This has created another reason for this request for a variance. There is a portion of the lot that slopes away to the creek which is on 30% slope. This lot has a unique circumstance because of the irregular triangular buildable area. The size of the buildable area is restrictive to build a home comparable in size and value to the surrounding homes. The Tibbitts would like to build a home that is compatible with the surrounding homes and area.

There has been some erosion along the creek bed that had occurred during the flood of 1983 leaving some loss of soil around the base of a tree. There has been some restoration along the banks of the creek to prevent any further erosion. Mr. Tibbitts submitted a letter from Flood Control saying that they do not have any problems with building a home on this 30% slope. If the Board grants this variance the Tibbitts have an opportunity to further stabilize the hillside by building some type of rock retaining or some way to prevent any further erosion for the possibility of flooding.

A discussion was made concerning where the flood line is located. The diagram shows that it is 6 feet above the creek. Mr. Vanzeben indicated that this will not be a problem because the basement floor is at an elevation of 88 and the creek is at 82 leaving 6 feet of protection from the flood line.

In the discussion it was asked if there is an option for the setback of 25 feet? Mr. Gehring explained that the ordinance will allow up to 20 feet on the front setback if the slope varies 10%. Mr. Gehring was asked for his recommendation on this variance. It is Mr. Gehring's understanding of the law that if there is a way to build without a variance that the City Ordinance should stand. There is a 5000 sq. foot building pad on this lot which is not unusual to other lots in the City. There are lots near the creek and some with odd shape building pads but they have been designed around the 30% to meet the ordinance. Granting the less than 30 foot setback is within the ordinance but Staff feels it is not necessary to build on the 30% slope. By ordinance there is buildable space on this lot.

Mrs. Tibbitts mentioned that the plans submitted is the third set that has been made. Mr. Summers asked that when the plans were being made was it done with trying to avoid the 30% slope? Her response was no. When the site plan was being done the architect didn't notice the 30% slope and the Tibbitts thought that it would be okay.

Lois Williams made a motion to grant the request for a variance to allow less than a 30-foot front yard setback and to build on greater than 30% slopes at 1374 E. Canyon Creek Drive, Robert Tibbitts, applicant. Verlon Duncan seconded the motion. Paul Summers opposed with all the others voting in favor of the motion. The variance was granted by majority vote.

Meeting adjourned at 7:45 P.M.