

BOARD OF ADJUSTMENT MINUTES

July 12, 1994

Present: K D. Simpson, Paul Summers, Dean Thurgood, Syd Shurtliff; Dick Dresher, Planning Commission Rep., Matt Bameck, Assistant City Attorney; Blaine Gehring, Planning and Redevelopment Director; Shirley Chevalier, Recording Secretary

Excused: Vedon Duncan

The minutes of June 14, 1994 were approved as written by majority vote. Dick Dresher abstained since he was not present at this meeting.

K D. Simpson was elected Chairman and Paul Summers Vice-Chairman. They will serve a six-month term to fill the vacancies left by R. Kirk Heaton, former chairman, and Frances Spencer, Vice-Chairwoman.

Petition No. 94-8 Marvin Noyce, 1785 East Maple Hills Drive, Lot 99, Maple Hills No. 1, Plat D

Permission to construct a single family dwelling within 30% slope. Ordinance allows no building on 30% slope or greater.

Mr. Gehring explained that Maple Hills Plat 2, A, B, C & D, was brought in at the time the Foothill Ordinance was being developed. It was approved with conditions that later became the Foothill Ordinance. One of the conditions was there had to be a building pad somewhere on the lot that is 50 ft. x 100 ft. that is not in 30% slope or greater. On this lot 99, that area was down in a corner of the property away from the street. A right-of-way was created off Cave Hollow Way to provide for the driveway. Another condition was that anything beyond 200 ft. from the street as measured along the centerline of the driveway to the house required City Council approval, but the 500 ft. limitation was not in effect at that time. This right-of-way measures 390 ft. to the closest point and if it is pushed back further, it would be beyond the 500 ft. limit which is in effect under the current ordinance. In the 15 years since the Foothill Ordinance was adopted, we now require a 20 ft. driveway, signage, and fire protection be provided. The Fire Marshall says this is not desirable even at 20 ft. wide, to try and get back there. There is too much brush. The fire would spread so rapidly they would not get to it, and there would be no way of getting down off the 30% slope from Maple Hills Drive. Staff supports this variance because the original recommendation under this building pad would no longer be recommended. It was the first one the city looked at under the Foothill Ordinance. It would not be approved as a buildable lot today, however it is a lot that should be allowed to be built on. Staff recommends that under those circumstances, it be allowed to be built on the 30% slope. The property that was the old driveway can be abandoned. It is just an easement now.

Mr. Noyce said there is a fire hydrant across the street which makes the property much more accessible for fire equipment. He further described how the house would be built, with a suspended driveway and walkways. There will be minimal disturbing of vegetation. The only trees that will be removed is in the location of the driveway.

Paul Summers made a motion to approve the variance; seconded by Dean Thurgood; motion unanimously approved.

Petition No. 94-9 Bountiful City, Eagle Ridge Subdivision

Permission to allow lots 312, 313, 314 and 315, Eagle Ridge Subdivision, Plat C to build on slopes greater than 30%. Ordinance allows no building on 30% slope or greater.

Mr. Gehring said these lots could be granted 15 ft. variances and get out of most of the 30% slope, but there is a 26 ft. high pressure natural gas line easement across the front of these lots. When Eagle Ridge was approved, this was overlooked. The Council can grant such exemptions and declare them as building lots without the problem of 30%. This would be a blanket variance for all four lots requested by the city. Dick Dresher asked if we can require the property owners to vegetate the barren slope there. The Board felt this would be a reasonable request.

Dean Thurgood made a motion to grant the variance; Syd Shurtliff amended the motion to include that the entire lot be vegetated by the owners of each lot as it is developed; Mr. Thurgood accepted the amendment; Syd Shurdiff seconded the motion which was unanimously approved.

Petition No. 94-10 James H. Christian, 3946 South Huntington Circle. Kent Sorenson, Peterson Development, Rep.

An existing home was built with a 2 ft. side yard setback. Ordinance requires an 8 ft. side yard setback.

A mistake was made on the lot line when the home was built. Mr. Sorenson said this problem was discovered after the current owners bought the home. One of the adjacent lots was vacant at the time, but when it was developed the problem was known, so that home was placed away from the property line creating a space of 20 ft. between the two structures.

The Christian's cannot legally get an appraisal or sell the home, which creates a hardship for them, and whoever caused the problem the city should have caught it. The entire home does not sit two feet from the property line, there are only a couple of points off the home that come that close.

Jim Winborg, who owns the adjoining property at 3936 South Huntington Circle, is not opposed to the variance. A letter was received by the Planning Department that supports the variance.

Dick Drescher said on lot 33, the owners might want to add to their home which would put it 10 ft. away from this structure, or construct an accessory building one foot away from the property line, which would put it three ft. away from this structure. He asked if there was any other way to resolve this, such as purchasing some property from the neighbor. Mr. Drescher feels this could cause potential problems in the future. The owner of lot 33 has the right to build within one foot or within eight feet, and the ordinance requires so many feet between homes on adjacent lots. This might be more of a fire hazard or a safety problem to the city.

Mr. Gehring clarified the code that requires anything closer than three feet to the property line to have a fire wall. By the building code you could go to within six feet between buildings and not have to have that extra fire protection. This would be at least ten feet even if they met the zoning ordinance which is separate from the building code. An accessory building cannot be built closer than 12 feet to an adjacent house.

Paul Summers made a motion to approve the variance; seconded by Dean Thurgood; Dick Drescher opposed; motion passed by majority vote 4-1.

Meeting adjourned at 8:00 PM.