

**BOARD OF ADJUSTMENT MINUTES**  
**August 9, 1994**

Present: Chairman K D. Simpson, Paul Summers, Vedon Duncan, Dean Thurgood, Syd Shurtliff; Matt Bameck, Assistant City Attorney; Shirley Chevalier, Recording Secretary

Excused: Blaine Gehring, Planning and RDA Director; Dick Dresher, Planning Commission Representative

The minutes of July 12, 1994 were amended to include the name of Dick Dresher, Planning Commission Representative among those present. The minutes were unanimously approved as amended.

**Petition No. 94-11** Steven L Nielsen, 224 and 234 East Bonneville Drive

Permission to construct a six foot high fence on the front property line of two lots at 224 and 234 East Bonneville Drive. Ordinance allows a two (2) foot solid fence or four (4) foot open chain link fence along front property lines.

Mr. Nielsen stated they have lived in their home for 21 years, and he has owned the other two lots for 16-17 years. They have treated them as a back yard with playground equipment. There is a gully behind the house, the top of the gully being Bonneville Drive. They would like to construct a six foot chain link fence all around the two lots. They have a pool behind the house, which is the reason for asking for the 6 feet.

There is an existing fence around the pool which has been there for 16 years, but needs replacing. They would like to open it up and fence the other properties.

Chairman Simpson explained to Mr. Nielsen that the three criteria which governs the Board by State statute must all be met before a variance can be granted, and the reason for the variance is not merely for the convenience of the petitioner. The Niensens have lived in their home for 21 years, the pool has existed for 16 years, and there has been no fence on the two properties in question before. The issue is that these are front yards, even though the Niensens consider them to be back yards.

Mr. Nielsen feels there is uniqueness since these properties will not be developed as long as the property remains in his family, therefore there will be no driveways or "front yards" as in developed property. If they move the fence back 30 ft. to be in compliance, they would have to have a 7 or 8 ft. fence to be equal to a 6 ft. fence due to the slope of the hillside.

There was no one present at this hearing to voice an opinion either for or against this variance request, nor were there any letters or phone calls received in the Planning office concerning this petition.

Chairman Simpson asked if any other alternatives were considered in fencing the pool aside from the 6 ft. variance request around the whole yard. Mr. Nielsen replied that the alternative would be to move the fence back 30 feet and put an additional fence around the pool.

Paul Summers made a motion to deny the variance. He does not feel that a hardship exists, there is no unique circumstance, and they are not deprived of any privileges. Syd Shunliff seconded the motion; Verion Duncan and Dean Thurgood opposed; motion carried by majority vote 3-2.

Meeting adjourned at 7:42 PM.