

BOARD OF ADJUSTMENT MINUTES
July 29, 1997

Present: Verlon Duncan, Vice Chairman; Sydnie Shurtliff, Bud Neslen, Brent Wynn, Dick Dresher, Planning Commission Representative; Blaine Gehring, Planning and Redevelopment Director; Connie Feil, Recording Secretary.

Absent: Paul Summers, Chairman; J.C. Ynchausti, City Prosecutor; Kevin Murray.

Verlon Duncan welcomed all those present and introduced the Board Members. Verlon Duncan made a motion to approve the minutes for June 10, 1997 as written. Bud Neslen seconded the motion past by majority vote. Sydnie Shurtliff, Brent Wynn and Dick Dresher abstained from voting.

1. Consider granting a variance to build on slopes greater than 30% at 1820 E. Maple Hills Drive, Clay & Rose Anderson, applicants.

Clay and Rose Anderson were present. Clay Anderson mentioned that he does not want to dig into the hillside any more than necessary. The main level of the home is required to have a minimum of 1500 square feet. Mr. Anderson has 1700 square feet. To prevent cutting more out of the hillside Mr. Anderson will provide a 12 foot retaining wall. As per Mr. Gehring's suggestion the house has been flip-flopped to prevent so much cutting into the hill. There have been some problems with the drainage but that will be corrected. The drainage will drain away from the house and into the storm drain.

Blaine Gehring explained that this is one of the lots created during the early stages of the Foothill Area and has no significant buildable area under 30% slope. By ordinance, this lot is unbuildable without a variance. There have been other variances granted in this subdivision for the same reason as this lot, not having a minimum buildable area of 5000 square feet.

There were some questions about erosion, flooding and slippage with this property and others in the foothill area. Mr. Gehring explained that all site plans are carefully reviewed by Staff. These homes are built to meet all ordinances and codes. Some builders, during and after building, are not careful with excavating, grading etc. which can cause problems with erosion and slippage. After a home has been finalized, some owners will remove more vegetation, grading etc. without a permit. The City cannot monitor every home after a final has been given.

Kirt Gentry, residing at 2794 S. Cave Hollow Way, has some concerns with flooding, erosion, etc. Mr. Gentry doesn't have a problem with building on a 30% slope if the drainage goes down into the street and not onto another property. Mr. Gentry is asking the City, as a home owner, to consider what will be allowed and not allowed with a variance. With each variance granted a precedence is set which stops you from granting other variances.

Lyle Petersen, residing at 2598 Cave Hollow Way, feels the same as Mr. Gentry. He has some concerns about future homes being built above his home. Mr. Peterson has seen the problems

caused from others not having permits, and doesn't want any problems with his property.

Verlon Duncan explained that, as far as setting precedence, he personally looks at each individual case as a separate case. The City is not prepared to make a declaration of which lots they will or will not grant a variance. Mr. Verlon feels that the decision will have to be made on an individual bases.

Mr. Gehring mentioned that by State Law no individual variance sets a precedence for another. The decisions have to be made on an individual bases and specific findings found to that particular incidence in order to grant the variance.

The Planning and Zoning Office have received two letters opposing of the variance.

Sydney Shurtliff made a motion to grant a variance to build on slopes greater than 30% at 1820 E. Maple Hills Drive with the following conditions:

1. The site plan be completed by an engineer and requires no other variance.
2. The property is deeded giving the property to the east an additional 8 feet to meet the side yard requirements.
3. Any new design will not exceed the area already shown from the existing plan.

Bud Neslen seconded the motion and voting past by majority vote.

Blaine Gehring thanked Sydney for her time spent with the Board of Adjustment. The other members also thanked her for doing a good job and wished her luck.

Meeting adjourned at 7:45 P.M.