

BOARD OF ADJUSTMENT MINUTES
November 14, 1995

Present: Chairman Paul Summers, Vice Chairman Sydnie Shurtliff, Dean Thurgood, Kevin Murray, Verlon Duncan; Ken Cutler, Planning Commission Representative; Mike Nielsen, City Prosecutor; Blaine Gehring, Planning and Development Director; Connie Feil, Recording Secretary.

Absent: Michael Sant.

Paul Summers welcomed all those present then introduced the Staff and Board of Adjustment Members. Dean Brunson, applicant, was present with neighbors, Richard Sharp and Haven Burningham. Mr. and Mrs. Jared Crowley were also present.

Sydnie Shurtliff made a motion for the approval of the minutes for June 13, 1995 with the addition of the following to the bottom of page three:

One reason for the approval of this variance is that the side yards, rear yards and frontage are within the ordinance. Where the set backs meet the ordinance the property will look the same and maintain neighborhood feeling.

Motion was seconded by Dean Thurgood and approved by majority vote.

Sydnie Shurtliff made a motion for the approval of the minutes for July 11, 1995 as written. Motion was seconded by Verlon Duncan and approved by majority vote.

Sydnie Shurtliff made a motion for the approval of the minutes for August 8, 1995 as written. Motion seconded by Dean Thurgood and approved by majority vote.

Paul Summers excused himself from the following variance because he was not present when this was brought before the Board of Adjustment the first time. Mr. Summers turned the time over to Sydnie Shurtliff to conduct. Those that can vote on this variance are Sydnie Shurtliff, Dean Thurgood and Kevin Murray.

1. Continuation of consideration of a variance to the height of a fence at 570 E. Mill Street, F. Dean Brunson, applicant.

Blaine Gehring explained that an amendment to change the ordinance to allow 8 foot fences was presented to the Planning Commission and the City Council. The Planning Commission and City Council voted not to make any changes and to leave the ordinance as written. This decision

was based on the research that Mr. Gehring made and letters were sent to all those involved. Mrs. Shurtliff has spoken with some Planning Commission Members about their feeling on this

issue. She mentioned that the City Council does not want 8 foot fences throughout the city and each case should be dealt with on an individual bases.

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.

Ken Cutler, Planning Commission Member, mentioned that the Planning Commission voted against this amendment because they do not want 8 foot fences all over Bountiful. This height of a fence will block the view for drivers and pedestrians. Not only blocking the view, it provides an unsightly appearance.

Kevin Murray explained that the State Law says you cannot grant a variance unless there is a peculiar problem on the property. The property has to create some kind of unique problem. All the reports and minutes are stating that this is a problem all along the Wasatch Front. It is going to be difficult to find a unique problem. This is a problem all over Bountiful. Mr. Murray feels that the Board of Adjustment has been put into a difficult spot by the City Council having to review these variances when they are not peculiar or unique.

Dean Thurgood made a motion to grant the request for a variance for an 8-foot fence at 570 E. Mill Street. Motion was seconded by Sydnie Shurtliff. Kevin Murray voted against the variance.

Approved by majority vote two-one.

Mrs. Shurtliff turned the meeting back over to Mr. Summers, Chairman .

2. Consider a variance of 1% slope to allow a 16% slope driveway at 1881 E. Ridge Point Drive, Jared Crowley, applicant.

Jared Crowley, applicant, was present. Paul Summers invited Mr. Crowley to explain his request for this variance. Mr. Crowley explained that this variance will allow him to leave his finished 19" high wall and driveway with a 16% drop. During the rough finish grading Mr. Crowley thought the driveway was at 15%. Mr. Crowley had a laser check for the first 100 feet that was reported to have a 15' 2" drop. Mr. Crowley assumed that Staker Asphalt Company would make sure the finished grade would be 15% meeting the city requirements. After pouring a 19" high wall, to guard anyone from going over the edge, this will leave a 12" high wall after the asphalt is poured. When Mr. Crowley asked for a final inspection with a laser he then found out that the driveway was too steep to be in compliance with the city. Adjustments could have been made before pouring a concrete pad, an outside wall, and doing the asphalt. Now that all three items have been finished, it would be a great expense and time consuming to remove and replace for one foot of fall. A mistake has been made and Mr. Crowley hopes that the committee will see fit to allow him to keep the driveway as it is without the loss of so much time and expense.

A discussion was made concerning the ordinance of driveways at 15%, the difference between 15% and 16%, and the cost to replace the driveway and wall. Mr. Gehring said the ordinance is at 15% for safety purposes. If the slope is at a higher grade it will make it more difficult to drive up and down the driveway. The difference between 15% and 16% is minor. The plans were accepted with the ordinance and the contractor made the error. The expense of a project should not be considered in the decision to be made.

Mr. Crowley added that the driveway faces on the south side and the sun is on the driveway all day. With the sun on the south side the snow is melted quit fast.

Verlon Duncan made a motion to approve a variance of 1% slope to allow a 16% slope driveway at 1881 E. Ridge Point Drive, Jared Crowley, applicant. Motion was seconded by Kevin Murray and voting was unanimous.

Meeting adjourned at 7:40 p.m.