

BOARD OF ADJUSTMENT MINUTES
April 13, 1999

Present: Chairman Verlon Duncan, Vice-Chairman Bud Neslen, Ron Barlow, Brent Wynn, Gordon Thomas, Planning Commission Representative Al Hess, City Attorney Rusty Mahan, Planning Director Blaine Gehring, Recording Secretary Connie Feil.

Absent: Kevin Murray, City Prosecutor J.C. Ynchausti.

Verlon Duncan welcomed all those present and had the Board Members introduce themselves. Ron Barlow made a motion to approve the minutes for February 9, 1999 as written. Gordon Thomas seconded the motion and voting was unanimous.

1. Consider granting a variance to allow building on slopes greater than 30% at 3024 S. Sunset Hollow Dr., Martell Beeton, applicant.

Martell and Elaine Beeton, applicants, were present. Todd Freeman and Brent Thomas from Thomas Engineering, representing Martell and Elaine Beeton, were also present.

Todd Freeman explained that this lot does not have an area of 5,000 square feet that does not have slopes greater than 30%. This is an unbuildable lot without a variance. In order to make this lot buildable the slope that is over 30% will need to be cut and retained with walls. The City will allow not more than 10 feet of cuts and fills. There will be a 10 foot retaining wall on the west and east side of the property that will comply with the ordinance. This will be a two-story home with a walk out basement, the garage in the basement and a driveway of about a 6% grade.

There was a discussion about the water drainage, the detention basin, elevation of the basement and the driveway. Two letters were presented, one from Larry & Liz Trythall in favor of the variance and one from Steven & Michelle King against the variance.

Rusty Mahan mentioned that Blaine Gehring has made an addendum to his memorandum and it should be presented so everyone is aware of the changes.

Blaine Gehring explained that the Sunset Hollow Subdivision Plat A was approved by the Bountiful City Council on April 11, 1984. Lot 1 of that plat is the lot under consideration. About one-third of lot 1 is contained in a detention basin easement leaving the easterly two-thirds of the lot available for building. It is on this remaining two-thirds of the lot that the owner is proposing to place his home.

Since Mr. Gehring has written his original staff report on this variance request, Mr. Gehring has consulted with both the City Attorney and City Engineer regarding this variance and the lot involved and they have pointed out several things that Mr. Gehring did not originally know or take into consideration.

First the fact that the ordinance requires only a 5,000 square foot building pad on ground less

than 30% slope. Any building pad larger than that is going beyond what would be a “substantial property right enjoyed by others in the same zone.” Second, there are concerns with this lot as it relates to slopes going down into a drainage ravine and the possible instability which might be caused by cutting into or filling those slopes. Third, there are some possible underground water problems in the area which might be a problem and need to be addressed. Fourth, there is no known slippage in this particular area, there has been slippage in the areas above this in Sunset Hollow. There is concern as to stability of the soil and the steeper slopes.

Staff has looked at the area and recognizes that there are legitimate areas under 30% slope which should be used for building purposes. However, the staff feels that the area south of those areas over 30% slope should not be considered in this variance as there is adequate room to build if the home is pushed forward toward the street with a permitted 20 foot front yard setback. This area should also be restricted on the west so as not to compromise either the home or the debris basin. The Staff has drawn an area on the map which they feel represents a reasonable variance. The area would measure 107 feet along the east property line; 81 feet along a line perpendicular to the east property line to a point at the 120-foot elevation and along the edge of the access road; and 98 feet along a line back to the street at a point approximately 58 feet along the curve of the property line on the street. The minimum building pad would be about 7,500 square feet or 1½ times the required 5,000 square feet. The area for variance is out of the drainage easement and well out of the high water area of the basin. There will be a positive drainage from the house down the driveway to the street, not to exceed 15% which will be in compliance with both the Zoning Ordinance and the Uniform Building Code. The area of 30% or more slope for the variance is significantly reduced from the area requested by approximately 30-40% with the area less than 30% slope representing at least half of the building pad.

After further consideration Staff is still prepared to recommend a variance on this lot. However, the area of the variance should be reduced considerably and some further limitations put on the building and construction. It is the Staff’s recommendation that a variance to build on slopes greater than 30% be granted with the following conditions:

1. The variance is only to allow building on slopes over 30%. All other provisions of the Zoning Ordinance and the Foothill Overlay Zone shall apply.
2. The area of the variance is limited strictly to the area marked on the map and described above in this memo and not beyond.
3. There is to be no wall or landscaping south or west of the designed area.
4. If water or soil conditions are encountered which the City Engineer believes need to be countered by special construction or landscaping, the applicant must comply with such requirements as the City Engineer may deem necessary.
5. The specific site and building plans must be approved by the Engineering Department and comply with all applicable codes.

6. There must be strict compliance with the limits of the variance.

Chairman Duncan opened the Public Hearing for those with comments. Carolyn Smith, residing at 3068 Sunset Hollow Dr., has some concerns with the retaining walls and the underground water. The King's retaining wall crosses over the Smith's sewer line. If any repairs are ever needed, the wall will have to be removed. Mrs. Smith does not want any more retaining walls over her sewer lines. There are also a lot of underground springs in this area. There are concerns of more water drainage onto their property.

Robert Craig, residing at 3123 S. Sunset Hollow Dr., has checked the drainage in the detention basin. There is a lot of snow melting now but the basin is taking the extra water. Mr. Craig has some concerns with the two drain ditches that comes off of the hill, are they going to be addressed? What about the erosion of the ground and the foundation of the home? The primary concern is the excess water causing foundation failure, erosion, flooding etc. Mr. Craig feels that it is the responsibility of the engineers to present a solution for these concerns. The home owners are concerned with drainage failure.

Todd Freeman explained that the drainage will go back toward the retaining wall which will guide the water out to the perimeters.

Brent Thomas explained that, with this site plan, only the general drainage is shown. The specific drainage was not addressed on this plan. Drainage is a concern to them and the water has been drained away from the house. When excavated if ground water is found it will be recommended that the water be collected and taken with good engineering practice. As far as slippage the foundation design will be structural but would probably be geo-technical concerns.

Rusty Mahan mentioned that he will prepare Findings of Fact from this meeting and it will be given to each member at the next meeting.

Bud Neslen made a motion to grant a variance to allow building on slopes greater than 30% at 3024 S. Sunset Hollow Dr., subject to the modifications from Staff. Brent Wynn seconded the motion and voting was unanimous.

Martell Beeton expressed his appreciation to the Board Members and Staff for their time and suggestions. He will comply with all the ordinances.

Meeting adjourned at 7:50 P.M.