BOARD OF ADJUSTMENT
April 9, 1996

Present: Chairman Paul Summers, Verlon Duncan, Sydnie Shurtliff, Clarence (Bud) Neslen; Blaine Gehring, Planning and Redevelopment Director; Connie Feil, Recording Secretary.

Absent: Lois Williams, Planning Commission Representative; Mike Nielsen, City Prosecutor; Dean Thurgood, and Kevin Murray.

Paul Summers welcomed all those present then had the Staff and Board Members introduce themselves. The minutes for January 9, 1996 were approved as written by majority vote on a motion made by Verlon Duncan and seconded by Paul Summers. Sydnie Shurtliff and Bud Neslen abstained from voting.

1. Election for Chairman and Vice-Chairman for 1996.

Verlon Duncan nominated Paul Summers for Chairman for the Board of Adjustments. Motion was seconded by Sydnie Shurtliff and voting was unanimous.

Sydnie Shurtliff nominated Verlon Duncan for Vice-Chairman for the Board of Adjustments. Motion was seconded by Bud Neslen and voting was unanimous.

2. Consideration of a variance of 2 feet to a required street side yard and 1 foot to a required side yard on the northwest corner of 100 South and 200 East, Paul & Julie Weaver, applicants.

Paul & Julie Weaver, applicants, were present. Julie Weaver explained that they would like to build a duplex for her mother-in-law who is handicapped. The Weavers have worked extensively with the Davis County Flood Control Office because of a required easement for maintenance of the creek. They were granted a variance, by Flood Control, to allow a 10 foot encroachment on the southwest corner of the structure. In order for a home to be built a variance is needed for 2 feet to the setback on 200 East and a 1 foot variance on the north side yard setback. This is a very difficult property to build on. There are setbacks from both streets. There is the creek to deal with and the triangular shape of the lot.

Mrs. Weaver mentioned that this will be a duplex with one unit being wheelchair accessible. Her mother-in-law can't afford a place on her own so the Weavers are building this to help her. A duplex is needed to rent the other side for additional income.

Tas Biesinger, residing at 20 S. 200 E., has some concerns about the driveway being too close to the corner. Mr. Biesinger feels that he will not be able to see clearly when approaching the stop sign. A car parked in this driveway will block the view and cause a hazardous situation. This being a two-story unit will not fit in with the neighborhood.
Brett Hart, residing at 161 E. 100 S., has some concerns with having another multiple dwelling

in the neighborhood. This being a duplex will create more cars and traffic.

Matthew Asmus, residing at 95 S. 100 E., also has concerns with the additional traffic and having a duplex. There is other property available in Bountiful so why build another multiple unit in a crowded area?

Blaine Gehring explained that this area is zoned R-3-16 which will allow up to 16 units and a duplex is allowed. As far as the setback from the street this unit more than meets the clear vision area. The driveway is far enough away from the curb that a car parked in the driveway will not be in violation of the ordinance. A two-story unit complies with the ordinance and a home can be built up to 35 feet.

Verlon Duncan made a motion to grant the request for a variance of 2 feet to a required street side yard and 1 foot to a required side yard on the northwest corner of 100 South and 200 East, Paul & Julie Weaver, applicants. Sydnie Shurtliff seconded the motion and voting was unanimous.

3. Consideration of a variance of 3.2% to a required driveway slope at 58 E. 3950 S., Mark Shaffer applicant.

Mr. & Mrs. Mark Shaffer, applicants, were present. Mr. Shaffer would like to explain his feelings about the misunderstanding with the site plans. Mr. Shaffer presented a site plan that was approved by the City with a revision made by the Engineer. The revision was to relocate the home to accommodate the driveway. This is the plan which Mr. Shaffer used to construct his home. Mr. Shaffer talked to Jim Stacey, former Asst. City Engineer, about this plan and Mr. Stacey remembered working with Mr. Shaffer on this.

Mr. Shaffer was asked if this was the final plan and why there would be a problem with the driveway? He was also asked with the revision of moving the home didn't he recognize there could be a problem with the driveway? Mr. Shaffer explained that at the time the foundation of the home was finished the curb was not in place. Mr. Shaffer didn't look at the drawings to check the elevation of the curb. The subcontractor also assumed that the site plans were correct and didn't check the elevations of the curb. Mr. Shaffer feels that the difference from 15% to 18% grade is minimal and safe. As far as access for emergency vehicles the slope will not affect them. A fire hydrant has been required on the property. Most emergency vehicles park on the street and won't use the driveway.

Mr. Gehring explained that a 15% grade is safe for access of emergency vehicles. A fire hydrant is required if a home is too far back from the street. A fire truck has to have access to the hydrant for emergency use. If the driveway is at 18% grade, these vehicles can't get to the hydrant safely.

Paul Summers pointed out to Mr. Shaffer that in order for a variance to be granted an unreasonable hardship, not of your own doing, has to be found. Mr. Shaffer is the general contractor for the home and the cul-de-sac and has hired his own subcontractors. The final plans

indicated the elevations of the curb as well as the driveway. If these plans were followed correctly, the driveway could have been built at the required 15% grade. Mr. Shaffer was asked to tell the Board how they can find an unreasonable hardship?

Mr. Shaffer feels that there has been a misunderstanding with the site plans. The subcontractor felt that the 2% difference was adequate and would meet the ordinance. He is the contractor and hires the subcontractors and the plans were over looked.

Sydnie Shurtliff made a motion to deny the variance of 3.2% to a required driveway slope at 58 E. 3950 S., Mark Shaffer applicant. The grounds for the denial is the site plans and elevations were not followed correctly. The driveway could have been built at the required 15% grade. Verlon Duncan seconded the motion and voting was unanimous.

Bud Neslen, alternate, didn't vote on the variances. Mr. Neslen has recently been appointed as an alternate and wasn't sure if he could vote.

Meeting adjourned at 7:50 P.M.