

BOARD OF ADJUSTMENT MINUTES
OCTOBER 8, 1996

Present: Paul Summers, Chairman; Sydnie Shurtliff, Dean Thurgood; Dean Jolley, Planning Commission Representative; J.C. Ynchausti, City Prosecutor; Blaine Gehring, Planning and Redevelopment Director; Connie Feil, Recording Secretary.

Absent: Verlon Duncan, Vice Chairman.

Paul Summers welcomed all those present then had the Staff and Board Members introduce themselves. Dean Jolley made a motion to approve the minutes for September 10, 1996 as written. Sydnie Shurtliff seconded the motion and voting was unanimous.

1. Consideration of a 30-foot variance to the front yard setback at 2145 Carolyn Way in order to build a garage structure over their recreational vehicle pad, Brent Leishman, applicant.

Mr. and Mrs. Brent Leishman were present. Mr. Leishman wished to explain some issues that were on the memorandum sent to the Board Members. Mr. Leishman presented a copy of the subdivision with two different lots, in the same area, that have a 25-foot setback, the same as his lot. He feels that his lot does have an unusual slope that other lots do not have. Mr. Leishman also presented a copy of an excavation permit and final inspection for the cement pad and a 7-foot wall. He stated that Mr. Gehring said there could not be a permit given for a wall in excess of 4 feet high, but Mr. Leishman was given one. Now the City is saying that there is a storm drain where the pad has been built. The City should have known that it exists. The storm drain was discovered by Mr. Leishman when the excavating for the pad was started. At this time the City was contacted on what should be done. Someone from the City came to show how to lay the pad over the pipe. The City also told Mr. Leishman how to do the footings, how to do the wall and where to lay the pad. At the time the permit was submitted the cement pad was not in place. The pad was in place at the time of the inspection.

Mr. Gehring mentioned that he was told by Gary Gines, Construction Engineer, that there was not a permit given for the wall nor the structure. Mr. Gehring based his memorandum on the information that was given to him by Mr. Gines. Mr. Gehring will look into this matter further.

The Leishmans have been concerned about the slope on the side with children playing and they want to protect their motor home from the weather. Mr. Leishman has built a structure to protect the motor home. When Mr. Gines came to inspect the curb and gutter he noticed that a structure for the motor home was being built. The Leishmans were asked to stop all construction on the structure until a permit was given. There is a conflict between Mr. Leishman and the information on the memorandum from Mr. Gehring. Mr. Leishman is saying that the walls were already up when Mr. Gines asked for the construction to stop. Mr. Gehring is saying that the walls of the structure were beginning to be built when Mr. Gines gave notice to stop construction.

Paul Summers asked if the ordinance requires a variance to build a pad next to the sidewalk?

Mr. Gehring responded with “no” a variance is not required. Mr. Gehring will talk to Mr. Gines to clarify this permit. Normally a retaining wall is not issued on an excavation permit. The permit Mr. Leishman is showing is an excavation permit for curb, gutter and approach only. According to Mr. Gines there has not been a permit for the wall.

On the permit that Mr. Leishman submitted it states a 12-foot length by 5 foot width by 6 inch depth. The pad is 12 feet wide and 30 feet long and the back walls are 80 inches high. Mr. Leishman was asked what are these measurements for? Mr. Leishman did not know.

In Mr. Gehring’s memo it says “The front yard setback is designed for protection of vehicles backing out into traffic, both pedestrian and vehicular. An enclosure that close to the sidewalk and street would pose a hazard to the vision for approaching traffic.” Mr. Leishman feels that this does not create a hazard at all. He feels that for the most part it is invisible and should not be considered a hazard in any respect.

Paul Summers mentioned that the Board Of Adjustment has little flexibility with what they can do. They have guidelines that have to be followed. The questions on the application have to be answered to fit the ordinances. By State Law this does not qualify. Mr. Leishman’s response was, “What does it matter? It’s not hurting anyone.”

Dean Thurgood mentioned that he has looked at this structure and you can see it. It does propose a hazard with backing out of a driveway. It appears that Mr. Leishman has created the hazard and the hardship himself when he dug for the wall. There are several lots in Bountiful with the same type of slope that could be considered a problem. A variance can be granted for a slight difference. The difference here is 25 feet from the front and 10 feet on the side which is a large amount.

Glen Bean, residing at 2210 Carolyn Way, feels that the hazard is with cars in the neighborhood being parked on the street and the kids with their roller blades not the structure.

Alan Sims, residing at 2043 Timothy Way, feels that this structure is very apparent and sticks out like a big box car. There are several motor homes in the neighborhood. Some of these are parked on recreational pads on the side or in the back of their property. Some park for the summer only but most are parked in a covered storage or recreational parking lots. If this variance is granted how many more in the area will be granted for a box car garage?

Mr. Gehring mentioned that there has been four phone calls and two letters against the granting this variance. There has been nothing received in favor of the variance.

Mr. Summers thanked all those present and for their comments. Dean Thurgood made a motion to deny the variance request from Brent Leishman. Dean Jolley seconded the motion and voting passed by majority vote. Sydnie Shurtliff abstained from voting.

2. Consideration of approving expansion of a nonconforming structure at 641 West 3300 South, Claude Newby, applicant.

Claude Newby was present. Mr. Newby explained that he has a one car garage with a flat roof. He would like to add to the existing garage by adding onto the west side of it. This is a corner lot and does not have the usual rectangular shape and juts out to the west as it comes around from 3300 South to 650 West. The lot slopes a great deal on the west and a garage and driveway on the south would be impractical. Adding to the east, because of the curving of the street, would mean the addition would come to the street property line. Adding to the west will maintain some kind of parking in front of the garage to allow for safe off street parking in front of the garage. This does create some unique circumstances that this is the only logical place to add on.

Sydney Shurtliff asked if this will create a hazard? Blaine Gehring explained that this will not create a hazard but prevent one. It will provide a safe way to get to and from the house. The cars will be off of the street. It will not create any further sight distance problems than already exist on the curve. There has been one letter in support for this variance from a neighbor.

Sydney Shurtliff made a motion to grant a nonconforming use expansion for 641 West 3300 South. Dean Thurgood seconded the motion and voting was unanimous. Mr. Thurgood mentioned that he thought this will be a nice improvement to the neighborhood.

Meeting adjourned at 7:40 P.M.