

**Tooele City Board of Adjustments
February 9, 2009
Minutes**

Place: Tooele City Hall Small Conference Room
90 North Main Street, Tooele, Utah

Board Members Present:

Kevin Shields, Vice-Chairman
Cheri Zander
Steve West
Tracee Burns
Vincent Olcott

City Employee Present:

Cary Campbell, Community Development Director

Others Present:

Robert Gowans

Minutes prepared by Elisa Jenkins

The meeting was called to order by Vice-Chairman Shields at 5:34 p.m.

1. Review and Approval of minutes from September 9, 2008.

Ms. Zander noted one change on page 4; paragraph 7 should read Mr. Gowans.

Mr. Shields moved to approve the minutes with the one change noted above. Ms. Zander seconded the motion. All members present voted "Aye".

Mr. Campbell noted that there needs to be three voting members to approve the minutes. He will verify the minutes with Mr. Niskala through e-mail or over the phone.

(Mr. Baker, City Attorney, notified Mr. Campbell that Mr. Niskala cannot approve the minutes over the phone or through e-mail. The minutes from September 9, 2008 will need to be approved at the next meeting Mr. Niskala attends.)

2. Request for a side yard set back variance. When home was originally built, side yard set back was 6' set back now is 20'. The Gowans would like to put an addition on the back of their home matching the existing set back. The property is located at 86 Kelseyview Drive, Zone RR1, by Robert & Tami Gowans.

Mr. Shields asked Mr. Gowans to explain his request for a variance.

Mr. Gowans stated that he lives at 86 Kelseyview Drive. It is in a RR1 zone. The house was built in 1967, he was not the original owner he purchased the home from someone else. The home sits on approximately three acres. He has a family situation and needs to add onto his home. His home is a multi-level home. The living room and the kitchen are on the main level. He would like to add onto his home to make it as much as a one level home as possible for his son who is in a wheel chair. His home is 6' off the property line on the north side (that was the required setback when the home was built). The change in zoning has created a need for a variance. He would like his home to keep the same "foot print" as it has now. He would like to add on about 25'. There is about 16' of the 25' that has a covered patio that was built when the home was built. The patio would be taken out and another 12'-14' would be added on to make the 25'. The addition would include a bedroom, bathroom and a small extension of the kitchen. He realizes that current zoning laws say that set back needs to be 20' and that will just not work with his home. He does have animals and they are at least 500' away from his neighbor's property.

Mr. Shields asked if both properties to the north and south of Mr. Gowans are also zoned RR1?

Mr. Gowans said yes.

Ms. Shields indicated that Mr. Gowans home could not be built where it is today given the current zoning laws. Mr. Shields verified that Mr. Gowans has a 25' set back on one side and a 6' on the other.

Mr. Gowans said that there is a hay field to the south of him and there is a rambler type home to the north of him. He has a 6' setback and his neighbor to the north has about a 12' side setback.

Mr. Campbell stated that is how the setbacks were at the time these homes were built.

Mr. Shields asked if any members of the board had any more questions for Mr. Gowans.

Mr. Shields called for a motion.

Mr. Campbell asked that the motion include why the board is granting the variance.

Mr. Shields stated that they have to be able to answer yes to the five questions in the handbook. He feels that Mr. Gowans variance meets all five of the questions.

Mr. West agrees that Mr. Gowans request meets all five of the questions.

Mr. Campbell said that the City changed the zoning ordinances after the home was built which causes a hardship for the applicant.

Mr. Shields said that the hardship is compounded because it is in a cul-de-sac.

Mr. West moved to approve a variance for Robert and Tami Gowans, 86 Kelseyview Drive. The variance is based on the five questions which creates a hardship for the applicant and the variance meets all five of the questions. The variance would allow for a 14' side yard set back from the 20' setback on the north side of the lot. This will match the existing home setback but not to exceed it. Ms. Zander seconded the motion. All members present voted "Aye".

- 3. Requesting a set back variance of lots within his trailer park. The park was established in approximately 1971. He would like to put in larger mobile homes which do not fit into the same space with today's setback requirements. The property is located at 250 West 900 South in an R1-7 zone by Jed Woodard.**

The board took a short recess at 5:45 p.m. while they waited for the applicant, Mr. Woodard.

An e-mail sent by Mr. Campbell regarding this variance is attached to the minutes.

Ms. Zander was excused from the meeting at 5:55 p.m.

Mr. Woodard was not present by 6:00 p.m. and Mr. Shields called for a motion to adjourn the meeting.

Mr. Shields moved to adjourn the meeting. Mr. Olcott seconded the motion. All members present voted "Aye". The meeting adjourned at 6:00 p.m.

Approved this 2nd day of March 2009

Vice Chairman Shields