

Tooele City Board of Adjustments

May 5, 2003

Minutes

Board Attendees: Roy Niskala, Jerry Houghton, Cheri Zander, Kevin Shields

Absent: James Ferguson, Barry Lewis

Staff Attendees: Cary Campbell, Community Development Director/Building Official
Andrea Cahoon, Contract Secretary

Minutes prepared by Andrea Cahoon.

Roy Niskala called the meeting to order at 5:10 p.m.

1. Approval of Minutes from April 21, 2003

Ms. Zander moved to approve the minutes as presented. Mr. Shields seconded the motion. All members present voted, "Aye," except Mr. Houghton who abstained because he was not present at the meeting.

2. Wayne and Keri Anderton Requesting a Rear Set Back Variance from 20' to 14' to Put in an Attached 44'x24' Garage Leaving the Carport As Is

Mr. Anderton explained that they would like to add onto their carport, and with the shape of their lot it is hard to maintain the 20-foot setback. There is a seven-foot easement for the utilities and they want to stay as far away from the utilities as possible. When he spoke with the City they explained to him that if he built an unattached garage, he could build up to 7 feet from the property line, but that an attached garage must be 20 feet away from the property line. Mr. Anderton provided pictures of the property and explained his problem. He wants to park his trailer on the side of the proposed garage. Mrs. Anderton explained that they want a place to park their cars, snowmobiles, 4-wheelers, etcetera, so they are out of sight and protected from the elements. They want to clean up their property.

Mr. Houghton said he would rather have an attached garage that was farther from the property line than a detached garage up to the edge of the property.

Mr. Shields asked about the existing carport? Mr. Anderton explained that he would like to have two 2-car garages and then park the trailer on the corner (end). He would install another drive approach. Mr. Campbell thought there was a limit on the curb cuts allowed on a property. Mr. Anderton said that there currently is a 20-foot curb cut, then there would be a separate curb cut another 20 feet wide. There would be a pad for the trailer, with red rock landscaping on the corner in front of the trailer pad. Mr. Shields asked for clarification that he was proposing 40 feet of concrete and 10-12 feet of red rock? Mr. Anderton said that was correct.

Mr. Houghton asked if the curb cut limit that Mr. Campbell spoke of pertained to the limit on the

number of curb cuts per household, or a limit on the width? Mr. Anderton understood that it was just the width.

Mr. Anderton said that Richard (Jorgensen) stated that the City preferred a detached garage in the back, but he doesn't have that option here. He explained that if he had known that this was going to be a problem, he would not have bought the property. Mr. Houghton stated that he was not sure that the City preferred that (a detached garage in the back). He felt that was Overlake that preferred that.

Mr. Shields asked about the existing carport being converted to a new garage and if they could go deeper and wider with the existing garage, rather than building a new one to the side? Mr. Anderton said that he runs into a problem with the roof and it won't tie in as well. He wanted to step the roof down to break it up.

Mr. Houghton asked Mr. Campbell what the limitation on the curb cut was? Mr. Campbell answered that he just asked Paul Hansen, the City Engineer, and he stated that there was no limit on the curb cut.

Mr. Niskala said that the applicants are asking for a variance of about 7'x24'. Mr. Anderton explained that 14' from the corner is where the 20-foot mark was. Mr. Niskala stated that they were really asking for a triangular variance of 5'x20'. Mr. Anderton said that he will step down the roof to 8 feet and build the new part to 8 feet tall. There will be a one-foot difference between the existing roof and the new roof. They will then put new siding on the house and install new windows.

Mr. Houghton liked that it was added on and not detached. He felt it would look better.

Mr. Houghton moved to approve a variance of 7 feet to the most northeasterly corner to the rear fence line based on the fact that there are special circumstances attached to the property that do not generally apply to other properties in the same district because of the shape of this particular lot in Southland Terrace Plat C. The finished garage will be 44'x24'. Mr. Shields asked if there was a zoning ordinance that addressed the maximum amount of lot coverage allowed? Mr. Campbell answered yes, the maximum lot coverage is 35%. Mr. Anderton said with this addition there is only 20 percent of the lot covered. **Mr. Shields amended the motion to include that there will be a variation in the height of the roof line so that it drops down, for aesthetic purposes, and that the total lot coverage is only 20% with this addition.** Mr. Houghton agreed to the amendment. Mr. Anderton was fine with that. Mr. Niskala wanted to clarify the curb cut issue. Mr. Campbell stated that there was no limitation and it didn't matter. Ms. Zander seconded the motion and amendment. All members present voted, "Aye."

3. Leonard J. Stalliviere Requesting a Side Set Back Variance from 20' (Corner Lot) to 10' in Order to Put in An Attached Garage 22'x20', Changing the Carport into Part of the Garage at 60 Columbia Drive.

Mr. Stalliviere was asking for a variance to add onto the existing carport. He explained that there are condominiums above his property and the water comes down the hill, down the street, jumps the curb, and goes into his carport. Several times the carport has been filled with mud and debris. He has come to the City several times, and they have done some improvements and it

helps out, but it still happens. The curb fills up with debris and the water gets over and floods his yard. His carport doesn't have any walls, but the proposed garage would. He would like a variance of 10 feet, and he needs to build a wall to stop the water. He would enclose the carport to make it a garage. There are other houses in the area that have enclosed their carports as well to make them into garages.

Mr. Houghton asked about a line on the Site Plan that appeared to be the line of sight (for the corner). Mr. Stalliviere said that he measured 50 feet back from the corner and could still see around the corner. Mr. Campbell stated that it was 40 feet that he was worried about. Mr. Shields asked if the drawing was to scale? Mr. Stalliviere stated that it wasn't. There is currently no sidewalk on the Highland Drive side of the property and he has plans to put in a 6-foot sidewalk in the future. He provided pictures that showed the staked area for the construction and the property line.

Mr. Stalliviere stated that many of the neighbors have enclosed their carports. He provided pictures to the Board showing other garages in the area. He is planning on upgrading the house and felt this would make the neighborhood nicer.

Mr. Houghton liked that he would close in the carport and asked if it would match the home? Mr. Stalliviere answered yes. Mr. Houghton said that if the garage would not be in the line of sight, he was O.K. with the project, and according to their calculations, the proposed garage would be right on the corner of the line of sight. Mr. Campbell stated that when Mr. Stalliviere came in for a building permit, the drawing would have to be to scale.

Mr. Shields asked what the total size of the proposed garage was? Mr. Stalliviere answered 22 feet wide (from the corner of the house) by 20 feet.

Mr. Shields said that the flooding issue could be taken care of with a berm. He asked if the flooding issue could be considered? Mr. Campbell answered yes because the nature of the lot is that it gets flooded and the proposed plan would help prevent his home from flooding. Mr. Campbell stated if it were he, when he built the sidewalk he was referring to, he would lift the sidewalk up 6-8 inches to help with the water problem as well. Mr. Stalliviere stated that his plan was to put 5 inches of sand or road base down and then the 5 inches of concrete, and that would raise the sidewalk.

Mr. Niskala stated that the line of sight isn't affected and so they are asking for a 10-foot variance for the set back.

Mr. Houghton moved to approve a 10-foot variance into the side yard set back based on the fact that granting the variance is essential to the enjoyment of a substantial property right possessed by other properties in the same district, by that meaning that he has a reasonable right to protect his assets from potential flood damage. The variance will not substantially affect the general plan and is not contrary to public interest. The Board has looked at the plan and the applicant does not extend into the safety line of sight for a corner lot and that is a condition of this approval, that it will not go across the safety line of sight. Mr. Shields seconded the motion. All members present voted, "Aye."

4. Cottage Glen Requesting a Variance for the Height of a Sign

Mr. Houghton excused himself because he already voted on this issue at the Planning Commission meeting and the City Attorney and Mayor asked him not to vote two times on this item because it could be construed as a conflict.

Vaughn Pulsipher, representing Cottage Glen, explained that they were a new Type-2 assisted living center that caters to seniors who are mostly female. They have 48 units that are each small apartments, and each building has a large gathering area. They get a lot of traffic from relatives and the community and are concerned about signage. Mr. Baker had told them they could put signage on both SR-36 and Aaron Drive. There are numerous groups from the community who come in to perform for the residents, hold meetings, and even exercise. They have no signage at this point. They had a sign up that was 30 feet tall, and the sign was at street level.

Mr. Pulsipher provided a picture of the Quality Chevrolet sign to the Board members that is 40 feet tall. Mr. Campbell stated that the Chevy sign was put up before the current ordinance was put in place.

Mr. Pulsipher said that they have been approved to put up a 25-foot sign. They are asking for a variance of 20 feet so that the sign can be 45 feet in height. They want to put the sign as far north on the property as possible because it would be more visible. It will be installed about where the old sign was. Mr. Shields asked for a site plan of the property, but Mr. Pulsipher didn't have one with him.

Mr. Shields asked how the new sign compared to the old sign size-wise? Mr. Pulsipher stated that the new sign was smaller than the old one.

Mr. Shields asked about the zoning for the proximity to the property line. Mr. Campbell answered that the sign must be placed 10 feet back from the property line. Mr. Pulsipher said they would probably put it 10 feet in from the north fence, and 10 feet in from the east line.

Ms. Zander felt that the sign that was there previously was just about right. She was concerned that they were told it was 25 feet before, and Mr. Pulsipher was stating that it was 30 feet tall now. Mr. Campbell said that they could not verify what the sign height was.

Mr. Shields asked what percentage of their visitors come from the north or the south? Mr. Pulsipher stated he didn't know, but they are finding that a lot of the seniors don't know where they are. Mr. Pulsipher said that Intermountain signs drew up the plan and said it should be 45 feet tall. He felt that they probably don't need it that tall.

Mr. Shields said there is a big push in the City to not allow a lot of signs. He asked Mr. Pulsipher what on their property was creating a hardship for them? Mr. Pulsipher answered that they can't use a monument sign because of the viaduct. Mr. Campbell stated that "attached" doesn't necessarily mean physically. The viaduct can be considered even though it is not on the property itself. The property owner did not create the hardship.

Mr. Pulsipher stated that they would really like a 35-foot sign, and that would serve their purpose. He understood Roger Baker as saying that the committee (Planning Commission) could approve a sign up to 25 feet high, but anything over that height required a variance.

Mr. Pulsipher stated that two other items of importance are they have been licensed as respite care now, and they can keep patients for 28 days as they recuperate. They are also seeking license as an adult day care.

Ms. Zander felt that a sign was important for the business, but was concerned about the height. Mr. Shields concurred. Mr. Pulsipher reiterated that he thought the old sign was 30 feet tall.

Mr. Shields asked how high the roof of the building was? Mr. Pulsipher said he didn't know. Mr. Shields measured the picture and determined it was about 30 feet tall.

Ms. Zander moved to approve a five-foot height variance for the sign at Cottage Glen, so the height of the sign would not exceed 30 feet based on the fact that the viaduct is a special circumstance that doesn't generally apply to other properties in the same district. Mr. Niskala seconded the motion. The voting was as follows:

Roy Niskala	Aye	Cheri Zander	Aye
Kevin Shields	Nay		

The motion passed 2-1.

Mr. Campbell stated that he would ask Roger Baker if there needed to be three votes from the Board for this motion to pass or if just a majority of the quorum that was present. Because Mr. Houghton had left the meeting at the beginning of the discussion on this item, there were only three members to vote on the matter, and one voted against it. He will let the Board and Mr. Pulsipher know what Mr. Baker decides.

5. Adjourn

Ms. Zander moved to adjourn the meeting. Mr. Shields seconded the motion. All members present voted, "Aye." The meeting adjourned at 6:45 p.m.

Approved by: _____

Date: _____