



**RIVERTON CITY
BOARD OF ADJUSTMENTS AGENDA
FEBRUARY 19, 2015 – 6:30 PM**

NOTICE IS HEREBY GIVEN THAT THE RIVERTON CITY BOARD OF ADJUSTMENTS WILL HOLD A REGULAR MEETING AT 6:30 PM, THURSDAY, FEBRUARY 19, 2015 AT THE RIVERTON CITY CIVIC CENTER LOCATED AT 12830 SOUTH 1700 WEST, RIVERTON UTAH.
ANY QUESTIONS, CALL 208-3141.



REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES WILL BE PROVIDED UPON REQUEST FOR ASSISTANCE, PLEASE CALL 208-3138



I. PUBLIC HEARING

- A. APPEAL OF PLANNING COMMISSION DECISION TO REVOKE A CONDITIONAL USE PERMIT FOR A HOME BASE BUSINESS, 13055 SOUTH BLAZE COURT, TIM BROHL, APPELLANT

- B. REQUEST FOR VARIANCE FROM RIVERTON CITY ORDINANCE 18.40.050(5) & (7) FRONT & REAR SETBACKS, TO ALLOW AN ADDITION TO THE EXISTING HOME THAT ENCROACHES INTO THE FRONT AND REAR SETBACK, ON PROPERTY LOCATED AT 11929 WATERHOUSE CT, DAVID CASH, APPLICANT

II. ADJOURNMENT

ITEM I.A

**RIVERTON CITY
MEMORANDUM**

TO: Board of Adjustment

FROM: Planning Department

DATE: February 19, 2015

SUBJECT: APPEAL OF PLANNING COMMISSION DECISION TO REVOKE A CONDITIONAL USE PERMIT FOR A HOME BASE BUSINESS, 13055 SOUTH BLAZE COURT, TIM BROHL, APPELLANT

PROPOSED MOTION:

I move the Board of Adjustment _____ the appeal of the Planning Commission decision to revoke the Conditional Use Permit for Maximum Machine, Application PLZ-14-2008, for property located at 13055 South Blaze Court, Tim Brohl, applicant.

BACKGROUND:

On June 26, 2014, the Riverton City Planning Commission voted to approve a Conditional Use Permit for a Home Occupation, allowing a home base business to be operated by the applicant, Tim Brohl, on property located at 13055 South Blaze Court. The application was for the operation of a plastic injection molding business to be operated from an existing detached shop on the property. Based on recommendations from staff and on information and comment from the applicant, the Planning Commission approved the Conditional Use Permit with the following conditions:

1. The business and machines shall comply with the recommendations of the Building and Fire Departments, including the following;
 - A. Provide fire extinguishers in the building, utilize good housekeeping practices, maintain clear aisles in the storage areas and to exit doors.
 - B. Install lighted exit signs / emergency lighting above all exit doors.
 - C. Maintain MSDS sheets for all raw material used in processes on site.
 - D. The storage of the palletized raw materials cannot exceed 500sqft of floor area and cannot exceed 5' in height. Exceeding these limitation will require the installation of a fire sprinkler system in the building.
2. The building shall be properly ventilated and inspected by the Riverton City Building Department, and the business shall not operate before 10 am or after 5 pm with the garage doors open.
3. No more than one (1) non-resident employee may perform work associated with this business on the property.
4. All work and storage associated with this business shall be conducted within the accessory building.
5. No tractor trailer deliveries or pickups associated with this business shall be allowed.
6. The site, structures, and use shall remain in compliance with any and all applicable Riverton City standards and ordinances, including the International Building and Fire Codes.

The applicant was present at the meeting where the conditions were imposed, and was aware of the concerns expressed. Following approval and issuance of a business license, the applicant began operation of the business. From the onset, staff received complaints and concerned phone calls from residents of the area. Condition #4 prohibited tractor trailer deliveries or pickups associated with the business, but staff received complaints that a truck not only was delivering equipment to the property, but was blocking traffic

in the cul-de-sac. Condition #4 prohibited any outside storage or work conducted outside the shop, but staff was made aware through complaints from citizens, photos emailed to staff, and direct observation that material was being stored in the driveway and in other areas outside of the accessory building. Condition #2 prohibited the operation of the business with the doors open during certain times in the morning and evening, and staff received complaints that this was being violated, as well.

In response to these complaints and concerns, staff contacted the applicant, who indicated that operation of his business could not occur in compliance with the conditions of approval imposed by the Planning Commission. Staff referred the matter to the Planning Commission, and scheduled a hearing to review the business and property for compliance with the Conditional Use Permit. Minutes from that meeting are included below. The Planning Commission, after reviewing the original minutes and permit, and after discussion with the applicant, voted to revoke the Conditional Use Permit. The revocation of the Conditional Use Permit will result in the revocation of the Business License. Section 18.195.100 [Conditional Use] Permit revocation, of the Riverton City Code states the following:

The planning commission shall revoke a conditional use permit if there is a substantial violation of the conditions placed on the permit. The commission shall give notice to the permit holder prior to revocation and the right to a hearing before the planning commission.

Following the Planning Commission's decision to revoke the Conditional Use Permit, the applicant filed an appeal to the Board of Adjustment. Section 18.195.070 [Conditional Use] Appeals of decision, states the following:

Any person shall have the right to appeal the decision of the planning commission to the board of adjustment

The Board of Adjustment has the authority to deny the appeal, and thereby uphold the Planning Commission's decision, approve the appeal, or refer the matter back to the Planning Commission for further consideration. A representative of the Riverton City Attorney's Office will be present at this meeting to provide further information and direction to the Board.

ATTACHMENTS:

The following items are attached for your review:

1. Current Application details.
2. Vicinity and zoning maps.
3. The original Staff Report and presentation materials – Original Approval
4. Minutes from approval
5. Staff report and presentation materials – Revocation Hearing
6. Minutes from Revocation Hearing

Original Staff Report and Backup

**RIVERTON CITY
MEMORANDUM**

TO: Planning Commission

FROM: Development Review Committee

DATE: May 22, 2014

SUBJECT: CONDITIONAL USE PERMIT-HOME OCCUPATION, MAXIMUM MACHINE, 13055 SOUTH BLAZE COURT, RR-22 ZONE, PROPOSED HOME BASED BUSINESS, TIM BROHL, APPLICANT

PL NO.: 14-2008 – MAXIMUM MACHINE HOME OCCUPATION

This application is a public hearing and administrative action item.

In rendering a decision the Planning Commission is serving an administrative function, decisions are based on substantial evidence.

PROPOSED MOTION:

I move the Planning Commission APPROVE the Conditional Use Permit for Maximum Machine Home Occupation located at 13055 South Blaze Court, with the following conditions:

1. No more than one (1) non-resident employee may perform work associated with this business on the property.
2. All work and storage associated with this business shall be conducted within the accessory building.
3. No tractor trailer deliveries or pickups associated with this business shall be allowed.
4. The site, structures, and use shall remain in compliance with any and all applicable Riverton City standards and ordinances, including the International Building and Fire Codes.

BACKGROUND:

Tim Brohl has made application for a Conditional Use for Home Occupation for property located at 13055 South Blaze Court in Riverton City. The property is zoned RR-22, a single family residential designation requiring a minimum lot size of ½ acre. The surrounding properties are all similarly zoned. The lot is compliant with the requirements of that zone.

The application is for the operation of a plastic injection molding business to be operated from an existing accessory building on the property. The applicant has indicated in the application and in conversation with staff that the business will be conducted entirely within the accessory building, with no outside storage of materials or goods, and that deliveries and pickups will be by standard sized trucks only. The applicant will be present at the hearing to answer questions regarding the use and potential impacts.

The type of use is more industrial in nature than may be typical for a home based business. However, from the applicant's description, there will be usually be little if any visible evidence

that a business is being conducted on the site. The application indicates that noise levels will be in the range of a typical air compressor. With no outside storage or work being done in association with the business, it appears that with appropriate conditions the business can be conducted without significant impact to the surrounding properties. Staff has included suggested conditions above. The Planning Commission may include additional conditions as deemed appropriate following the public hearing.

ATTACHMENTS:

The following items are attached for your review:

1. A copy of the Conditional Use Permit application
2. An 8½"x11" copy of the Zoning Map
3. An 8½"x11" copy of the Aerial View(s)
4. Images of the site
5. Site Plan



PL No. _____
Date 14-2008

Application

Conditional Use - Home Occupation

A. Applicant's Name 13055 S Blazett R1 Tim Brouh
Home Address 13055 S Blazett Ct
City Riverton State Utah Zip 84065
Telephone # 801-253-3931 Mobile # 801-828-0490

B. Project Information
1. Name of proposed business Maximum Machine
2. Description of proposed business Machine Shop Plastic injection molding
3. Sidwell/Tax ID # _____ Total acreage of site .5
4. Current zoning of proposed site Residential
Zoning of adjacent parcels: North _____ South _____ East _____ West _____

C. Please Answer the Following Questions Related to Your Proposed Business

- Are there other Home Occupations on site? Yes No
- How many employees will work at your home? 2
- Will there be any noise, vibrations or toxins in connection with this business? Yes No
If yes, please describe Air Compressor
- Where will most of the business be conducted? Big Garage
- Will there be a need for on-site storage? Yes No Type of storage _____
Where will it be located? _____
- How many visitors per day do you expect to have in connection with this business? rarely
Is the number of visitors all at once or at different times during the day? (If at different times during the day, please explain) _____
- How many cars will come and go per day in relation to your business? N/A
Where will they park? _____
- How many deliveries per week do you expect to have in connection with this business? 2
- Will your business include producing food products, ammunition, explosives, caustic materials or storing animals? (This relates only to products actually made on site)? Yes No
If yes, please explain _____
- Will you have any vehicles that pertain to your business on site? Yes No
If yes, where will they be stored? _____

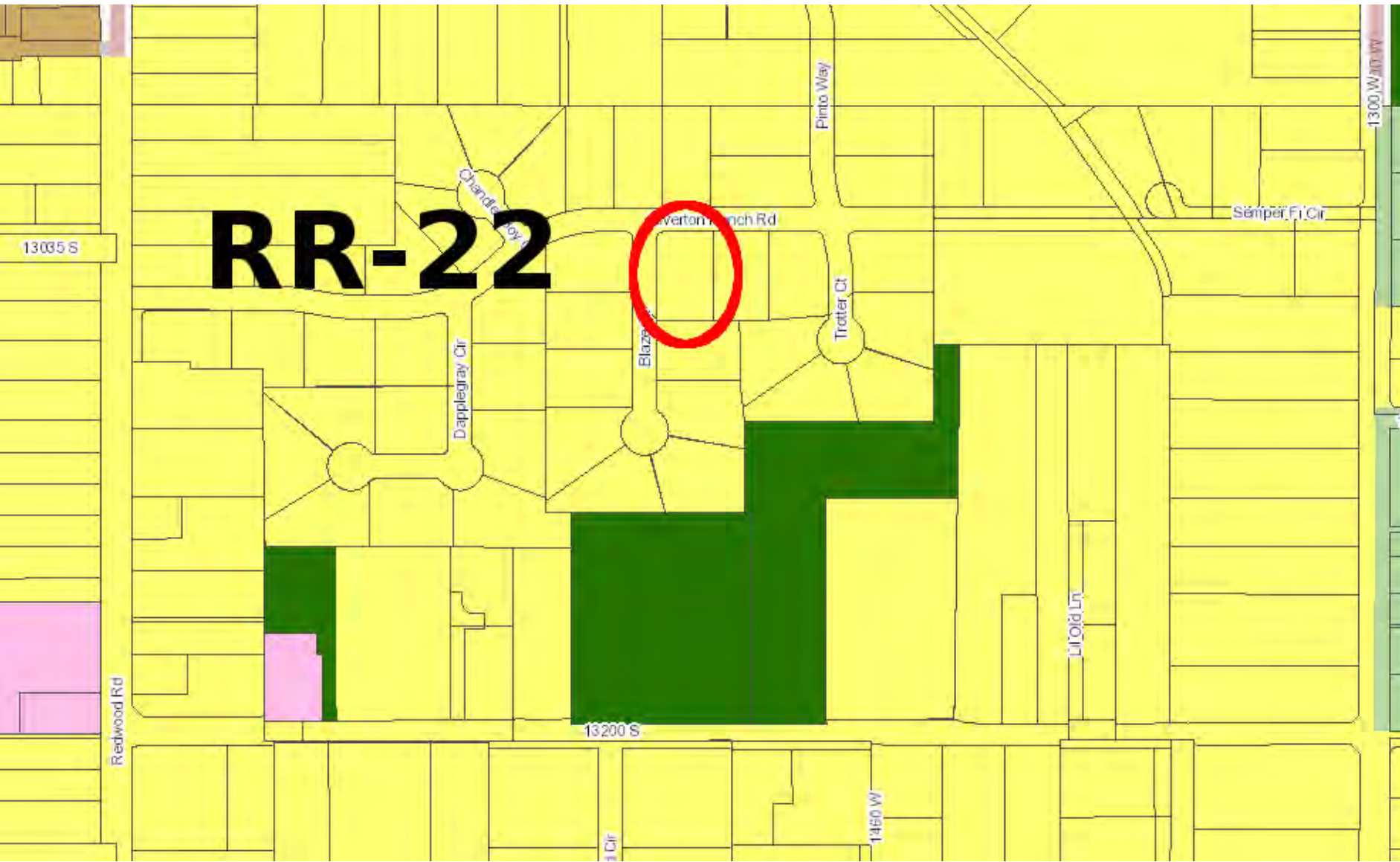
Applicant's Signature

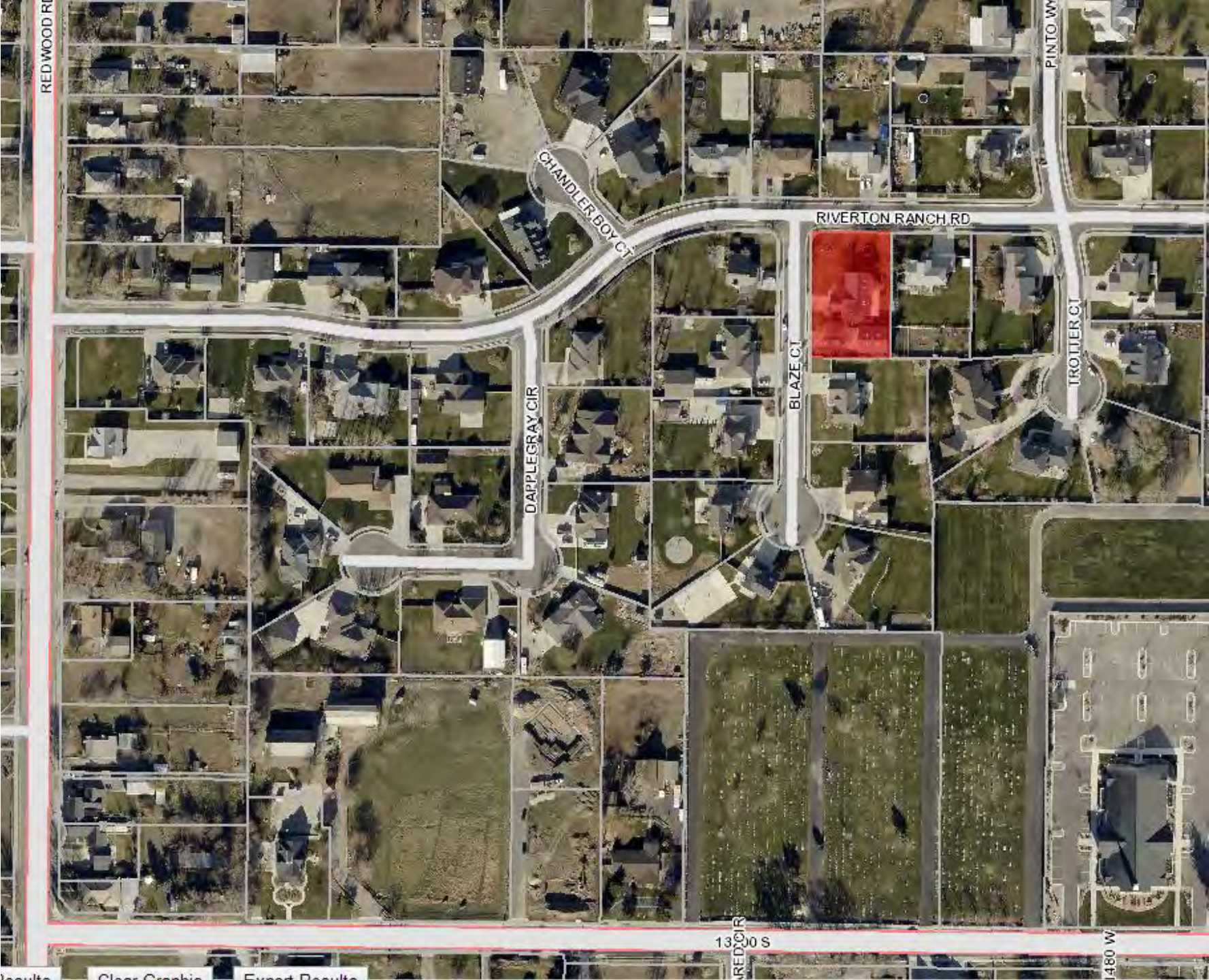
Date

5/5/2014

You will receive a letter following the Planning Commission meeting providing status of your application

RR-22





REDWOOD RD

PINTO WAY

CHANDLER BOY CT

RIVERTON RANCH RD

DAPPLE GRAY CIR

BLAZE CT

TROTTER CT

13000 S

1480 W



RIVERTON RANCH RD

402-036

BLAZE CT



S 1530 W



S 1530 W

Minutes
Original Approval Hearing

Approved June 12, 2014

**RIVERTON CITY PLANNING COMMISSION
MEETING MINUTES**

May 22, 2014

The Riverton City Planning Commission convened at 6:30 p.m. in the Riverton City Municipal Building, 12830 South 1700 West, Riverton, Utah.

Planning Commission Members:	Staff:
Kent Hartley	Jason Lethbridge, Planning Manager
Brian Russell	Casey Taylor, Deputy City Attorney
James Endrizzi	
Dennis Hansen	
Scott Kochevar	

Commissioners Cade Bryant and James Webb were excused from the meeting.

Chair Brian Russell called the meeting to order. Commissioner Kent Hartley led the Pledge of Allegiance.

I. PUBLIC HEARING

A. CONDITIONAL USE PERMIT/HOME OCCUPATION, PL-14-2008, MAXIMUM MACHINE, 13055 SOUTH BLAZE COURT, RR-22 ZONE, PROPOSED HOME BUSINESS, TIM BROHL, APPLICANT.

Mr. Lethbridge presented the staff report and displayed an aerial map showing the location of the home. The proposed business is for the operation of plastic injection molding equipment. He identified an accessory building on the property, which is where the business will operate from.

Mr. Lethbridge explained that staff has several concerns with the type of business, the equipment, and how the operation of the business will impact the surrounding areas. He described the home occupation application process and mentioned the types of uses prohibited as home occupations. In general, activities that may be classified as light industrial are not listed as prohibited uses. Activities such as machine shops, welding, and metal fabrications have been allowed in the past. Prohibited uses would include small engine repair, auto repair, junk yards, auto wrecking, etc. However, the prohibitive list does not specifically stipulate plastic injection molding. Mr. Lethbridge explained that other prohibited uses include specified chemicals, pesticides, and flammable, combustible materials. Additionally, any other process or business where current adopted building and fire codes would require an operational permit are prohibited.

As staff reviewed the home occupation application, they were not able to confirm whether or not the business would fall under the prohibitive stipulations as listed above. Mr. Lethbridge reported that in speaking with the Building and Fire Departments, they concluded that additional time is needed to determine if the business would fall under the prohibitive category. If it does not fall under this category, additional time will be needed to determine

1 appropriate conditions to recommend to the Commission for safe operation. Staff
2 recommended that the item be tabled until the next Planning Commission Meeting.

3
4 Tim Brohl, the applicant, expressed interest in relocating his business to the proposed
5 location. He explained that his business manufactures small plastic parts using moderately
6 large pieces of equipment. He also has machine shop tools, none of which are noisier than a
7 typical air compressor. Mr. Brohl was willing to hear from his neighbors and address their
8 concerns. He stated that he will also be submitting a list of materials used in the operation of
9 his business to the Riverton City Fire Department. Mr. Brohl described the technical
10 procedures used each day.

11
12 Mr. Lethbridge noted that a resident contacted him with concerns about fumes and
13 chemicals, which they wanted to be made part of the public record.

14
15 Chair Russell asked when the Fire and Building Department review was anticipated to be
16 complete. Mr. Lethbridge replied that it will likely be available by the next Planning
17 Commission Meeting.

18
19 Chair Russell opened the public hearing.

20
21 Lance Sukati stated that he moved to the community only a few weeks earlier. He moved
22 from a loud area and enjoys the peace and quiet of his new neighborhood. Mr. Sukati works
23 for a large business that has a machine shop similar to Mr. Brohl's shop, and it is very loud.
24 He thanked Mr. Brohl for providing as much detail as possible in his application and stated
25 that the chemicals and fumes dissipate and don't concern him. He stressed that he is
26 particularly worried about the noise and traffic that will result from the machine shop and the
27 location of the business.

28
29 Mark Webb indicated that he is also a small business owner. He explained that being able to
30 own a small business and support himself and his family is an inalienable right of any citizen.
31 He felt that the noise produced from Mr. Brohl's machine shop will be minimal and can be
32 contained. He didn't feel the operation would be offensive to the surrounding neighbors, and
33 requested that the Commission consider approval.

34
35 Cathy Draper stated that most of her concerns were addressed. She was still concerned,
36 however, about the chemicals and toxins that will be used. She explained that as long as the
37 traffic doesn't become a problem, she had no objections to the home occupation.

38
39 Mr. Brohl stated that his mold making business is very meticulous and small scale. The
40 machines make a humming noise and are not a nuisance. He explained that customers do
41 not come to his home, as this is not a necessary part of the operation of his business. He
42 stressed that he will not bring semi-trucks into the neighborhood either. He does have plastic
43 delivered to him at a commercial site, where he offloads it with a forklift to transport it to his
44 home. Commissioner Hansen asked if the accessory building is heating and cooled.
45 Mr. Brohl answered in the affirmative. Lastly, Mr. Brohl explained that while there are toxic
46 plastics, none have residual materials that will pollute the air. Many of the plastics have
47 flame retardants built into them.

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There were no further public comments. The public hearing was closed.

Commissioner Hansen moved that the Planning Commission TABLE the Conditional Use Permit for Maximum Machine Home Occupation located at 13055 South Blaze Court in order for further inspection to be conducted by City Departments. Commissioner Hartley seconded the motion. Vote on motion: Kent Hartley – Aye; Brian Russell – Aye; James Endrizzi – Aye; Scott Kochevar – Aye; Dennis Hansen – Aye. The motion passed unanimously.

**RIVERTON CITY
MEMORANDUM**

TO: Planning Commission

FROM: Development Review Committee

DATE: June 26, 2014

SUBJECT: CONDITIONAL USE PERMIT-HOME OCCUPATION, MAXIMUM MACHINE, 13055 SOUTH BLAZE COURT, RR-22 ZONE, PROPOSED HOME BASED BUSINESS, TIM BROHL, APPLICANT

PL NO.: 14-2008 – MAXIMUM MACHINE HOME OCCUPATION

PROPOSED MOTION:

I move the Planning Commission APPROVE the Conditional Use Permit for Maximum Machine Home Occupation located at 13055 South Blaze Court, with the following conditions:

1. The business and machines shall comply with the recommendations of the Building and Fire Departments, including the following;
 - A. Provide fire extinguishers in the building, utilize good housekeeping practices, maintain clear aisles in the storage areas and to exit doors.
 - B. Install lighted exit signs / emergency lighting above all exit doors.
 - C. Maintain MSDS sheets for all raw material used in processes on site.
 - D. The storage of the palletized raw materials cannot exceed 500sqft of floor area and cannot exceed 5' in height. Exceeding these limitation will require the installation of a fire sprinkler system in the building.
2. The building shall be properly ventilated and inspected by the Riverton City Building Department, and the business shall not operate before 10 am or after 5 pm with the garage doors open.
3. No more than one (1) non-resident employee may perform work associated with this business on the property.
4. All work and storage associated with this business shall be conducted within the accessory building.
5. No tractor trailer deliveries or pickups associated with this business shall be allowed.
6. The site, structures, and use shall remain in compliance with any and all applicable Riverton City standards and ordinances, including the International Building and Fire Codes.

BACKGROUND:

This item was tabled at the May 22, 2014 Planning Commission meeting for further review by the Building and Fire Departments. Riverton City ordinance for home based businesses states the following:

Prohibited Uses:

(10) Use of specified chemicals, pesticides and flammable/combustible materials, and including any other process or business where current, adopted building and fire codes would require an operational permit.

There was concern at the previous hearing that the proposed business may fall into this category. The Building and Fire Departments have reviewed the proposed business operation and determined that no operational permits are required. There were general safety regulations that will need to be followed, but nothing that would require additional permitting. The Fire Department requested the items in Condition 1 above.

Tim Brohl has made application for a Conditional Use for Home Occupation for property located at 13055 South Blaze Court in Riverton City. The property is zoned RR-22, a single family residential designation requiring a minimum lot size of ½ acre. The surrounding properties are all similarly zoned. The lot is compliant with the requirements of that zone.

The application is for the operation of a plastic injection molding business to be operated from an existing accessory building on the property. The applicant has indicated in the application and in conversation with staff that the business will be conducted entirely within the accessory building, with no outside storage of materials or goods, and that deliveries and pickups will be by standard sized trucks only. The business involves raw materials....generally plastic beads (polyethylene, polypropylene, vinyl, abs, etc) that are dumped from a hopper into the injection machine. The beads are heated up in a heating tube (450-600 degrees) and then the liquid plastic is injected into a mold. The applicant will be present at the hearing to answer additional questions regarding the use and potential impacts.

The type of use is more industrial in nature than may be typical for a home based business. However, from the applicant's description, there will be usually be little if any visible evidence that a business is being conducted on the site. The application indicates that noise levels will be in the range of a typical air compressor. With no outside storage or work being done in association with the business, it appears that with appropriate conditions the business can be conducted without significant impact to the surrounding properties. Staff has included suggested conditions above. The Planning Commission may include additional conditions as deemed appropriate following the public hearing.

ATTACHMENTS:

The following items are attached for your review:

1. A copy of the Conditional Use Permit application
2. An 8½"x11" copy of the Zoning Map
3. An 8½"x11" copy of the Aerial View(s)
4. Images of the site
5. Site Plan

**RIVERTON CITY PLANNING COMMISSION
MEETING MINUTES**

June 26, 2014

The Riverton City Planning Commission convened at 6:30 p.m. in the Riverton City Municipal Building, 12830 South 1700 West, Riverton, Utah.

Planning Commission Members:

**Brian Russell
James Endrizzi
Dennis Hansen
Cade Bryant
James Webb**

Staff:

**Andrew Aagard, City Planner
Casey Taylor, Deputy City Attorney
Gordon Miner, City Engineer**

Commissioners Kent Hartley and Scott Kochevar were excused from the meeting.

Chair Brian Russell called the meeting to order. Commissioner Hansen led the Pledge of Allegiance.

I. PUBLIC HEARING

D. CONDITION USE PERMIT / HOME OCCUPATION, PL-14-2008, MAXIMUM MACHINE, 13055 SOUTH BLAZE COURT, RR-22 ZONE, PROPOSED HOME BASED BUSINESS, TIM BROHL, APPLICANT.

Mr. Aagard noted that the above item was tabled from the May 22, 2014, Planning Commission Meeting, for further review by the Building and Fire Departments. He read the specifications as listed in Riverton City ordinance. The Building and Fire Departments have since reviewed the proposed business operation and determined that no operational permits are required. There were general safety regulations that will need to be followed, but nothing that would require additional permitting. The Fire Department requested the items as listed in the first condition in the staff report.

The applicant, Tim Brohl, submitted an application for the conditional use permit. His business will involve the operation of plastic injection molding from an existing accessory building on the property. The applicant has indicated that all operations will occur entirely within the accessory building with no outside storage of materials or goods. Furthermore, deliveries will be made by standard sized trucks only. The business generally involves raw materials, such as plastic beads that are dropped from a hopper into the injection machine. The beads are heated in a heating tube at 450 to 600 degrees and then the liquid plastic is injected into a mold.

While the use is more industrial than what is typically allowed for a home-based business, the applicant has indicated that there will be minimal visible evidence that a business is being conducted on site. The application indicated that noise levels will be in the range of a typical air compressor. Mr. Aagard reviewed the conditions listed in the staff report.

Mr. Aagard noted that this item was not noticed as a public hearing item. Chair Russell explained to the public that there was a public hearing for this item previously, at which time the Commission requested additional information from the applicant. Therefore, the Commission will proceed with this application as a decision item. There was further discussion on the conditions as listed in the staff report. Mr. Brohl added that he is very conscientious of fumes and noise.

Commissioner Bryant moved that the Planning Commission APPROVE the conditional use permit for Maximum Machine home occupation located at 13055 South Blaze Court, with the following conditions:

- 1. The business and machines shall comply with the recommendations of the Building and Fire Departments, including the following:**
 - a. Provide fire extinguishers in the building, utilize good housekeeping practices, and maintain clear aisles in the storage areas and to exit doors.**
 - b. Install lighted exit signs / emergency lighting above all exit doors.**
 - c. Maintain MSDS sheets for all raw materials used in processes on site.**
 - d. The storage of palletized raw materials cannot exceed 500 square feet of floor area, and cannot exceed five feet in height. Exceeding these limitations will require the installation of a fire sprinkler system in the building.**
- 2. The building shall be properly ventilated and inspected by Riverton City Building Department, and the business shall not operate before 10:00 a.m. or after 5:00 p.m. with the garage doors open.**
- 3. No more than one (1) non-resident employee may perform work associated with this business on the property.**
- 4. All work and storage associated with this business shall be conducted within the accessory building.**
- 5. No tractor trailer deliveries or pickups associated with this business shall be allowed.**
- 6. The site, structures and use shall remain in compliance with any and all applicable Riverton City standards and ordinances, including the International Building and Fire Codes.**

Commissioner Webb seconded the motion. Vote on motion: Cade Bryant – Aye; Brian Russell – Aye; James Endrizzi – Aye; Dennis Hansen – Aye; James Webb – Aye. The motion passed unanimously.

Revocation Hearing Staff Report and Backup

**RIVERTON CITY
MEMORANDUM**

TO: Planning Commission

FROM: Planning Department

DATE: November 13, 2014

SUBJECT: REVIEW OF CONDITIONAL USE PERMIT-HOME OCCUPATION, MAXIMUM MACHINE, 13055 SOUTH BLAZE COURT, RR-22 ZONE, PROPOSED HOME BASED BUSINESS, TIM BROHL, APPLICANT

PL NO.: 14-2008 – MAXIMUM MACHINE HOME OCCUPATION

Proposed Motion:

I move the Planning Commission amend the approved Conditional use Permit for a Home Occupation for Maximum Machine, located at 13055 South Blaze Court, as follows:

1. Condition #2 shall be amended to read “and the business shall not operate with the garage doors open other than as necessary for access or material delivery”.
2. Condition #4 shall be amended to include the following: “Materials delivered to the property shall be moved directly into the building.”

On June 26, 2014, the Planning Commission approved a Conditional Use Permit for a Home Occupation located at 13055 South Blaze Court. The permit was approved with the following conditions:

1. The business and machines shall comply with the recommendations of the Building and Fire Departments, including the following;
 - A. Provide fire extinguishers in the building, utilize good housekeeping practices, maintain clear aisles in the storage areas and to exit doors.
 - B. Install lighted exit signs / emergency lighting above all exit doors.
 - C. Maintain MSDS sheets for all raw material used in processes on site.
 - D. The storage of the palletized raw materials cannot exceed 500sqft of floor area and cannot exceed 5' in height. Exceeding these limitation will require the installation of a fire sprinkler system in the building.
2. The building shall be properly ventilated and inspected by the Riverton City Building Department, and the business shall not operate before 10 am or after 5 pm with the garage doors open.
3. No more than one (1) non-resident employee may perform work associated with this business on the property.
4. All work and storage associated with this business shall be conducted within the accessory building.
5. No tractor trailer deliveries or pickups associated with this business shall be allowed.

6. The site, structures, and use shall remain in compliance with any and all applicable Riverton City standards and ordinances, including the International Building and Fire Codes.

Below is the information from the original staff report presented to the Planning Commission:

“Riverton City ordinance for home based businesses states the following:

Prohibited Uses:

(10) Use of specified chemicals, pesticides and flammable/combustible materials, and including any other process or business where current, adopted building and fire codes would require an operational permit.

Tim Brohl has made application for a Conditional Use for Home Occupation for property located at 13055 South Blaze Court in Riverton City. The property is zoned RR-22, a single family residential designation requiring a minimum lot size of ½ acre. The surrounding properties are all similarly zoned. The lot is compliant with the requirements of that zone.

The application is for the operation of a plastic injection molding business to be operated from an existing accessory building on the property. The applicant has indicated in the application and in conversation with staff that the business will be conducted entirely within the accessory building, with no outside storage of materials or goods, and that deliveries and pickups will be by standard sized trucks only. The business involves raw materials....generally plastic beads (polyethylene, polypropylene, vinyl, abs, etc) that are dumped from a hopper into the injection machine. The beads are heated up in a heating tube (450-600 degrees) and then the liquid plastic is injected into a mold. The applicant will be present at the hearing to answer additional questions regarding the use and potential impacts.

The type of use is more industrial in nature than may be typical for a home based business. However, from the applicant’s description, there will be usually be little if any visible evidence that a business is being conducted on the site. The application indicates that noise levels will be in the range of a typical air compressor. With no outside storage or work being done in association with the business, it appears that with appropriate conditions the business can be conducted without significant impact to the surrounding properties. Staff has included suggested conditions above. The Planning Commission may include additional conditions as deemed appropriate following the public hearing.”

In addition to the information presented above, the Home Occupation ordinance includes the following:

18.190.080 Conditional use permit required.

The following uses are appropriate as licensable home occupations only if they are determined to be compatible with residential neighborhoods after full conditional use review by the planning commission:

(2) Workshops. Repair shops, including welding, carpentry, sheet metal work, furniture manufacturing, upholstery and other similar manufacturing activities.

The question of the appropriateness of this business to the neighborhood was discussed during the original hearing, and the conditions of approval were deemed sufficient to insure that

impacts to the neighborhood would be minimized. However, there have been from the time the business began operating, issues brought to the attention of the City regarding compliance by this applicant with the conditions of approval. There were deliveries made by tractor trailer which obstructed traffic briefly within the cul-de-sac, although those appear to have been limited to the initial delivery of equipment to the site. The primary issues with the business have been with Conditions #2 and #4. Condition 4 states that "All work and storage associated with this business shall be conducted with the accessory building." There have been materials related to the operation of the business stored in the driveway and elsewhere outside of the building, which is in violation of that condition. The owner has indicated that such storage is typically not longer than a few hours when materials are shifted outside to free up work space in the building, but the condition is clear that *all work and storage* be conducted within the building. In addition, there have been issues raised regarding hours of operation with the doors open and with noise levels from the business when the building doors are open. It does appear both from complaints submitted to the City and through observation by staff that the business has operated at times with the doors open outside of the times allowed by Condition #2 above.

Riverton City ordinance does allow for the revocation of a conditional use permit if there is 'substantial violations' of the conditions imposed. In general, the issues raised are with the visibility and noise levels from the operation of the business, mainly due to the lack of full compliance with several of the conditions of approval. This is returned to Commission for review to determine what if any corrective measures are required. The original presentation by the owner was that there would be little if any visual or audible evidence that the business was being conducted on site. The impacts to the neighborhood from the operation of the business have been through actions in that are not compliant with the conditions of approval. Staff is recommending that, to address the issues raised since the business began operations, that Condition #2 be amended to specify that the business shall not operate with the doors open, other than as necessary for access or material delivery. Currently, that condition allows the doors to remain open between 10 am and 5 pm. In addition, staff recommends that the Commission reiterate that Condition #4 requiring that all work and storage be conducted within the building applies to any and all storage, regardless of how long the material will be stored. The applicant has indicated that materials delivered to the site will be done through a small truck, and those materials should be moved into the building directly on delivery. Staff will continue to monitor compliance with the conditions as amended. While there continues to be concern from the neighborhood about the nature of this business, with the existing conditions and the amendments as recommended, the operation of the business should be of minimal impact to the surrounding properties.

ATTACHMENTS:

The following items are attached for your review:

1. A copy of the original Conditional Use Permit application materials
2. Minutes from the Planning Commission meetings on this item.
3. Images of the property with the business in operation.







Minutes
Revocation Hearing

1 RIVERTON CITY PLANNING COMMISSION
2 MEETING MINUTES

3
4 November 13, 2014

5
6 The Riverton City Planning Commission convened at 6:30 p.m. in the Riverton City
7 Municipal Building, 12830 South 1700 West, Riverton, Utah.

8
9 Planning Commission Members:

Staff:

10
11 Brian Russell
12 Dennis Hansen
13 Kent Hartley
14 James Endrizzi
15 Scott Kochevar

Jason Lethbridge, Planning Manager
Casey Taylor, Deputy City Attorney

16
17 Commissioners Cade Bryant and James Webb were excused. Commissioner
18 Kochevar arrived late.

19
20 Chair Russell called the meeting to order. A member of Boy Scout troop 1631 led
21 the Pledge of Allegiance.

22
23 I. PUBLIC HEARING

24
25 Commissioner Hansen moved that the Planning Commission discuss Public
26 Hearing Item E, Conditional Use Permit, Home on a Private Lane, on property
27 located at 12852 South 1830 West, to the first item on the Public Hearing Agenda.
28 Commissioner Hartley seconded the motion. The motion passed unanimously.

29
30 A. REVIEW OF PREVIOUSLY APPROVED CONDITIONAL USE PERMIT, 14-
31 2008, MAXIMUM MACHINE, 13055 SOUTH BLAZE COURT, RR-22 ZONE,
32 PROPOSED HOME BASED BUSINESS, TIM BROHL, APPLICANT.

33
34 Planning Manager, Jason Lethbridge, presented the staff report and displayed an aerial
35 photograph of the subject property. He explained that the purpose of tonight's discussion
36 will be to review the existing business against the conditions of approval that were
37 imposed when the conditional use permit was issued. Mr. Lethbridge pointed out that the
38 home sits on a cul-de-sac and has a large accessory building on the south end of the
39 property with a separate driveway. The conditional use permit was for the operation of a
40 business out of the accessory building.

41
42 Mr. Lethbridge presented the conditions of approval that were imposed at the time the
43 conditional use permit was granted. He stated that from the time that the business began
44 operation, several reports were made regarding violations of the permit and other
45 concerns. One of the conditions of approval was that the business not operate before
46 10:00 a.m. or after 5:00 p.m., with the garage doors open. Additionally, all work and

1 storage associated with the business must be conducted within the accessory building.
2 Last, no truck traffic associated with business deliveries and pick-ups would be allowed.

3
4 Mr. Lethbridge stated that there have been reports of semi-truck deliveries to the property.
5 He clarified that "pick-ups" refer to product deliveries rather than pick-up truck vehicles.
6 He explained that while there are pick-up trucks on the property, they are not associated
7 with the business, and are, therefore, not in question as part of tonight's discussion.
8 Photographs of the property indicate, however, that there are large pallets and a fork lift
9 on the property and that the garage doors are often open outside of the allowable
10 business hours.

11
12 Mr. Lethbridge explained that when the permit was initially reviewed for approval, the
13 applicant agreed to store all business-related materials in the accessory building.
14 Furthermore, Mr. Lethbridge stated that he personally observed on two occasions where
15 the garage doors were open before 10:00 a.m. There has been at least one instance
16 where a semi-truck has made a delivery to the site. A complaint was made because the
17 semi-truck was blocking traffic into the cul-de-sac. The City's Conditional Use Permit
18 Ordinance states that the Planning Commission shall revoke a conditional use permit if
19 there is a substantial violation of the conditions placed on the permit. Once the conditional
20 use permit is revoked, the business license will also be revoked.

21
22 Commissioner Hansen recalled that when this conditional use permit was initially
23 reviewed, he was specifically concerned with the delivery process. He referenced the
24 minutes of that meeting where the applicant stated that he has plastic delivered to him at
25 a commercial site where it is then offloaded with a forklift and transported to his home.
26 Commissioner Hansen stated that it appears that the deliveries are being made to the
27 home, which is where the forklift is located. He speculated that there may have been
28 some manipulation of the facts when the application was first presented to the
29 Commission.

30
31 Chair Russell opened the public hearing.

32
33 Kathy Draper commented that the business does not belong in a neighborhood and
34 should be located in a manufacturing area. Ms. Draper expressed opposition to the
35 business.

36
37 Tim Brohl identified himself as the business owner. He clarified that he does not take
38 deliveries at his shop. Furthermore, he noted that he has a forklift on his property to lift
39 his molds in and out of his machines because they weigh up to 1,000 pounds. The semi-
40 truck in question is a crane and was needed to offload machines. He acknowledged that
41 it temporarily blocked traffic, which upset one of his neighbors; however, it was set up in
42 such a manner that traffic was still able to pass.

43
44 Mr. Brohl stated that one of the conditions of approval listed in his conditional use permit
45 is to maintain clear aisles. He explained that he would like to be granted the ability to
46 back his forklift out of his garage, with a couple of pallets to clear his aisles. This would

1 allow him to operate more safely during the day. Mr. Brohl pointed out that his accessory
2 building is 90 feet off of the street and it is lined with trees. He explained that his business
3 operations are very quiet and that he is pleased with the setup. Mr. Brohl recalled
4 previous conversations with Mr. Lethbridge regarding the outside storage and explained
5 that he puts everything away at night and closes the doors.

6
7 Mr. Brohl expressed appreciation for the City's progressive attitude toward businesses.
8 He presented photographs of the type of work he does in the accessory building.
9 Specifically, he showed a photograph of the bit microcontroller that is used by the highway
10 patrol. He stated that he made the mold and will also make the plastic for this piece of
11 equipment. He emphasized that the product was made in Riverton.

12
13 Commissioner Hansen referenced a comment Mr. Brohl made about being concerned
14 about noise when he initially applied for his conditional use permit. Commissioner
15 Hansen was concerned by this comment, because according the meeting minutes when
16 the permit was granted, Mr. Brohl commented that noise was the least of his concerns.
17 Therefore, the two statements given at separate times contradict one another.
18 Commissioner Hansen explained that while the City wants to bring in more businesses,
19 Mr. Brohl is not in compliance with the conditions listed in his permit. Mr. Brohl replied
20 that he has not contradicted himself and has proven that he can run the business quietly
21 and safely from his home.

22
23 Commissioner Kochevar asked if the photographs presented were taken when Mr. Brohl
24 first moved his business into the neighborhood. Mr. Brohl replied that the photographs
25 represent what his property looks like every day. Commissioner Kochevar stated that
26 according to the conditions of approval, the property cannot be maintained in this way.

27
28 Ken Finch, a Blaze Court resident, explained that he respects his neighbor's right to earn
29 a living and he respects the type of work Mr. Brohl does. Mr. Finch remarked that when
30 it impacts his livelihood, however, it is not right to let business operations continue,
31 especially when there are permit violations. Mr. Finch gave his witness of the violations,
32 and presented additional photographs as evidence. He felt bad about the situation and
33 encouraged the Commission to revoke Mr. Brohl's conditional use permit.

34
35 Julie Johnson, a Blaze Court resident, feels like she lives in a new industrial center, which
36 is not how she wanted to invest her money when choosing a neighborhood in which to
37 live. While she did not mean to offend anyone, she was shocked that the permit was
38 approved in the first place. Ms. Johnson explained that the City has certain zones for a
39 reason, and she was in favor revoking the conditional use permit.

40
41 Beth Brohl identified herself as Mr. Brohl's wife. Mrs. Brohl felt that the neighbors were
42 overreacting and stated that they just got everything moved in as of Labor Day. She
43 expressed their intent to comply with all of the rules, and stated that they are trying to
44 earn a living like everyone else. Mrs. Brohl stated that if the neighborhood really wanted
45 to get picky, they could identify violations on other properties as well. She was of the
46 opinion that Ms. Draper is largely unaffected by the operation because she lives in a

1 completely different part of the neighborhood. Mrs. Brohl asked the neighbors to speak
2 with them directly so that they can address their concerns individually.

3
4 Mr. Lethbridge presented a copy of a letter from a resident who was unable to attend the
5 meeting.

6
7 There were no further public comments. Chair Russell closed the public hearing.

8
9 Chair Russell remarked that through Mr. Brohl's circumstances of downsizing, it appeared
10 that he is unable to contain the equipment and run business operations from inside the
11 garage. It appeared that he is unable to comply with the conditions originally imposed.
12 Commissioner Kochevar asked Mr. Lethbridge if Mr. Brohl had been given warnings
13 regarding violations. Mr. Lethbridge answered in the affirmative and noted that the
14 complaints were brought to Mr. Brohl's attention prior to tonight's meeting. There was
15 continued discussion as to how to move forward on the matter.

16
17 **Commissioner Hansen moved that the Planning Commission revoke the**
18 **conditional use permit for a home occupation for Maximum Machine located at**
19 **13055 South Blaze Court, based on violations observed over the short period of**
20 **time the conditional use permit has been in place. Commissioner Endrizzi**
21 **seconded the motion. Vote on motion: Brian Russell – Abstain; Dennis Hansen –**
22 **Aye; Kent Hartley – Nay; James Endrizzi – Aye; Scott Kochevar – Aye. The motion**
23 **passed 3-to-1.**

24
25 **B. ORDINANCE ADOPTION, ADOPTION OF RM-14 ORDINANCE, ALLOWING**
26 **MULTI-FAMILY RESIDENTIAL DEVELOPMENT AT A MAXIMUM DENSITY**
27 **OF 14 UNITS PER ACRE, PROPOSED BY RIVERTON CITY.**

28
29 Mr. Lethbridge presented the staff report and explained that the City currently has an RM-
30 12 zone, which is multi-family residential with 12 units per acre. However, the zone has
31 not been used anywhere in the City. This proposed action would replace the RM-12
32 ordinance. Mr. Lethbridge explained that the RM-14 Zone would be similar to the RM-
33 14-D ordinance, which was created specifically for the downtown area as part of the RDA
34 process. One of the main differences would be that the RM-14 ordinance would not be
35 geographically limited. Mr. Lethbridge stated that the RM-14 Zone would not be a density
36 that would allow for apartments. Rather, this ordinance would lend itself more to
37 townhomes or condos. The standards of the ordinance were reviewed. It was noted that
38 they are similar to those outlined in the RM-14-D Zone.

39
40 Chair Russell opened the public hearing.

41
42 Jason Bradford asked why the City is changing the zoning from RM-12 to RM-14, if the
43 RM-12 Zone isn't being used.

44
45 There were no further public comments. Chair Russell closed the public hearing.

46

Chapter 18.195 CONDITIONAL USES

Sections:

- [18.195.010](#) Purpose of conditional use provisions.
- [18.195.020](#) Permit required.
- [18.195.030](#) Application.
- [18.195.040](#) Fees.
- [18.195.050](#) Public hearing.
- [18.195.060](#) Determination.
- [18.195.070](#) Appeals of decision.
- [18.195.080](#) Inspections.
- [18.195.090](#) Time limit.
- [18.195.100](#) Permit revocation.

18.195.010 Purpose of conditional use provisions.

Certain uses which may be harmonious under special conditions and in specific locations within a district, but may be improper under general conditions and in other locations, are classed as conditional uses within the various districts and require conditional use permits. [Code 1997 § 12-206-005.]

18.195.020 Permit required.

A conditional use permit shall be required for all uses listed as conditional uses in the district regulations or elsewhere in this title. [Code 1997 § 12-206-010.]

18.195.030 Application.

A conditional use permit application shall be made to the planning commission as provided in this title. Applications for a conditional use permit shall be accompanied by maps, drawings, statements, or other documents as required by the planning commission. [Code 1997 § 12-206-015.]

18.195.040 Fees.

Application for any conditional use permit shall be accompanied by the appropriate fee as determined by resolution of the city council. [Code 1997 § 12-206-020.]

18.195.050 Public hearing.

A conditional use permit may be approved by the planning commission without a public hearing except when mandated as indicated by the use regulations in this title. However, the planning commission may require a public hearing where any conditional use is judged to be of a controversial nature or where the best interests of the neighborhood or community are served by broader public exposure to the proposed use. [Amended during 2011 recodification. Code 1997 § 12-206-025.]

18.195.060 Determination.

The planning commission may permit a conditional use to be located within any district in which the particular conditional use is permitted by the use regulations of this title. In authorizing any conditional use, the planning commission shall impose such requirements and conditions as are necessary for the

protection of adjacent properties and the public welfare. The planning commission shall not authorize a conditional use permit unless evidence presented is such to establish:

(1) That such use will not, under circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, and that the proposed use of the particular location is necessary or desirable and that it provides a service or facility which will contribute to the general well-being of the neighborhood and the city.

(2) That the proposed use will comply with regulations and conditions specified in this title for such use.

(3) The planning commission shall itemize, describe or justify, then have recorded and filed in writing, the conditions imposed on the use. [Ord. 07-12 § 1. Code 1997 § 12-206-030.]

18.195.070 Appeals of decision.

Any person shall have the right to appeal the decision of the planning commission to the board of adjustment. [Code 1997 § 12-206-030.]

18.195.080 Inspections.

Following the issuance of a conditional use permit, the building official may approve an application for a building permit, provided the development is undertaken and completed in compliance with said conditional use and building regulations. [Code 1997 § 12-206-035.]

18.195.090 Time limit.

(1) Temporary Permit Expiration and Renewal. A conditional use permit for temporary uses may be issued for a maximum period of six months, with renewals at the discretion of the planning commission for not more than three successive periods thereafter.

(2) Permit Expiration. Unless there is substantial action under a conditional use permit within a maximum period of one year of its issuance, the said permit shall expire. The planning commission may grant a maximum extension for six months when deemed in the public interest. [Code 1997 § 12-206-040.]

18.195.100 Permit revocation.

The planning commission shall revoke a conditional use permit if there is a substantial violation of the conditions placed on the permit. The commission shall give notice to the permit holder prior to revocation and the right to a hearing before the planning commission. [Code 1997 § 12-206-045.]

The Riverton City Code is current through Ordinance No. 15-01, passed February 3, 2015.

Disclaimer: The City Recorder's Office has the official version of the Riverton City Code. Users should contact the City Recorder's Office for ordinances passed subsequent to the ordinance cited above.

ITEM I.B

**RIVERTON CITY
MEMORANDUM**

TO: Board of Adjustment

FROM: Planning Department

DATE: February 19, 2015

SUBJECT: REQUEST FOR VARIANCE FROM RIVERTON CITY ORDINANCE 18.40.050(5) & (7) FRONT & REAR SETBACKS, TO ALLOW AN ADDITION TO THE EXISTING HOME THAT ENCROACHES INTO THE FRONT AND REAR SETBACK, ON PROPERTY LOCATED AT 11929 WATERHOUSE CT, DAVID CASH, APPLICANT

PL#: 14-7002 – CASH VARIANCE

PROPOSED MOTION:

I move the Board of Adjustment APPROVE the request for a variance from Riverton City Ordinance 18.40.050(5) & (7), which requires a minimum front and rear yard setback of 25 feet in the R-4 zone, allowing a front setback of 14 feet and a rear setback of 10 feet on property located at 11929 Waterhouse Court, *with the following stipulations*

BACKGROUND:

David Cash has applied for a variance from Riverton City Ordinance 18.40.050(5) & (7) , Front and Rear Setbacks, in the R-4 Zone. Those sections state the following:

(5) Front Yard Requirements. The minimum front yard setback shall be 25 feet, as measured to the foundation, or to foundation of a covered front porch or patio if present.

(7) Rear Yard Requirements. All dwelling structures shall be set back from the rear property line a minimum of 25 feet as measured to the foundation, on irregular lots, an average of 25 feet as measured to the foundation; provided, that no portion of the building is closer than 15 feet to any rear property line. An unenclosed and attached covered porch or patio may extend to within 15 feet of the rear property line

Mr. Cash is proposing an addition to the existing home on the property, extending the home to the west. The lot is located on a cul-de-sac, and wraps around the north side of the cul-de-sac bulb. This resulted in a lot that is long but relatively narrow at the widest part of the cul-de-sac. Because of the orientation of the existing home, the proposed addition would extend into that narrowest part of the property. The dimensions of that area of the lot would not accommodate the addition in a way that is compliant with the setback requirements. The existing home faces west, and meets the setback requirements. The addition, by extending the home around the cul-de-sac, would change the orientation, with that portion of the home facing south, essentially rotating the setbacks.

Riverton City's ordinance outlines the general criteria for review by the Board of Adjustment. Staff has included information and a suggested determination on each item.

Meets Criteria		Criteria for Granting a Variance Utah Code Ann. 10-9a-702: The appeal authority may grant a variance only if:
Yes	No	<p>Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;</p> <ul style="list-style-type: none"> ▪ <i>The inability to add on to or otherwise construct on property because of requirements of a zoning code is not in and of itself an unreasonable hardship.</i>
Yes	No	<p>There are special circumstances attached to the property covered by the application that do not generally apply to the other property in the same district;</p> <ul style="list-style-type: none"> ▪ <i>The property is of an odd and awkward shape, not consistent with other properties in the district. The difficult shape and extended front yard on the property is relatively unique.</i>
Yes	No	<p>Because of said special circumstances, property covered by an application is deprived of privileges possessed by other properties in the same district;</p> <ul style="list-style-type: none"> ▪ <i>The odd shape of the property does make utilization of the front area of the lot difficult, although as stated above the ability to add on to an existing home is governed by ordinance and is not necessarily a privilege lost to this property.</i>
Yes	No	<p>The granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district; <u>and</u></p> <ul style="list-style-type: none"> ▪ <i>The utilization of property for expansion of an existing home may not be considered a substantial property right, but the granting of the variance would allow for better development of the property and utilization of the space.</i>
Yes	No	<p>The spirit of the land use ordinance is observed and substantial justice done.</p> <ul style="list-style-type: none"> ▪ <i>The cul-de-sac as developed did create an odd shaped lot. The setbacks as proposed are not incompatible with the surrounding properties, and would not create a situation where the spirit and letter of the land use ordinance was impacted.</i>

Staff is recommending APPROVAL of this variance request. The property is unique in its shape and situation, and the setbacks as proposed would not create a substantial incompatibility with the surrounding properties.

ATTACHMENTS:

The following items are attached for your review:

1. Application
2. Vicinity and zoning map
3. Information Submitted by the applicant.



PL No. 14-7002
Date 11/26/2014

Application

Board of Adjustments

A. Applicant's Name David Cash
Home Address 11929 Waterhouse Ct.
City Riverton State Utah Zip 84065
Telephone # (801) 918-7614 Mobile # 385-234-0140 Fax # _____
E-mail Address akarobynhood@gmail.com

B. Property Information
1. Property Address 11929 Waterhouse Ct
2. Sidwell/Tax ID# _____ Total Acreage of the Site _____
3. Current Zoning of the Proposed Site _____
Zoning of Adjacent Parcels: North _____ South _____ East _____ West _____
4. Current Use of Land _____
Number of Existing Structures 1

C. Variance Information
1. Variance Request See at attached page.
2. Justification for Appeal See attached
3. Riverton City Ordinance Requirements _____
4. Have You Made a Previous Application for Appeal for this Location? Yes / No
5. Applicants Interest Is: Owner Prospective Buyer Real Estate Agent Other

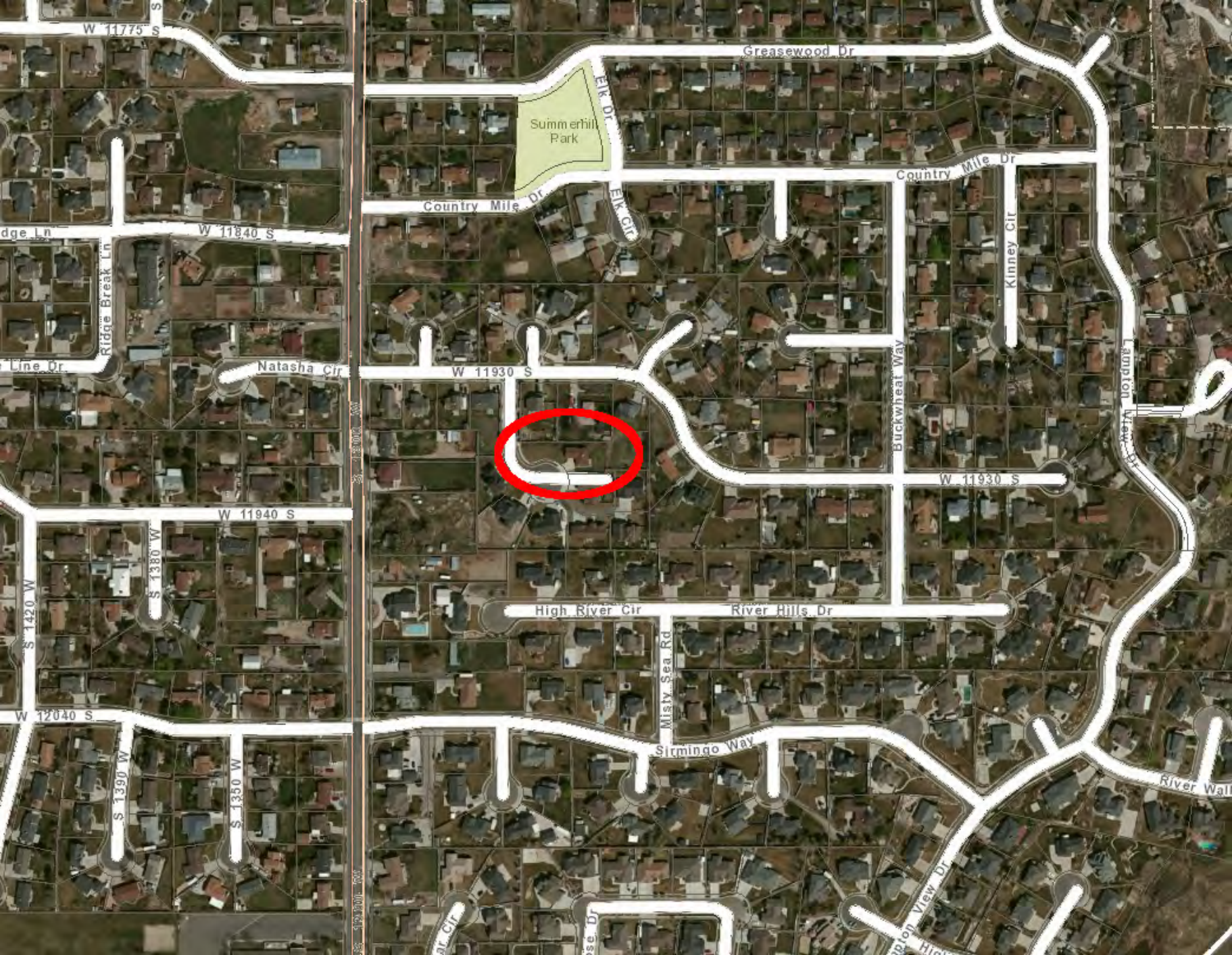
I / (We) understand that if granted, this appeal pertains only to that property and use as defined herein and may be revoked at any time if provisions of the granting are violated and that granting is subject to review and renewal.

Please note that for your convenience, an application checklist is enclosed.

[Signature]
Applicant's Signature

11-14-14
Date

You will receive a letter following the Planning Commission and City Council meeting providing status of your application



Greasewood Dr

Summerrhill Park

Country Mile Dr

Country Mile Dr

W 11840 S

W 11930 S

Natasha Cir

W 11940 S

High River Cir

River Hills Dr

W 11930 S

Sirmingo Way

Misty Sea Rd

Buckwheat Way

Kinney Cir

Laundon New Dr

River Walk

W 11775 S

Ridge Break Ln

Line Dr

S 1420 W

W 12040 S

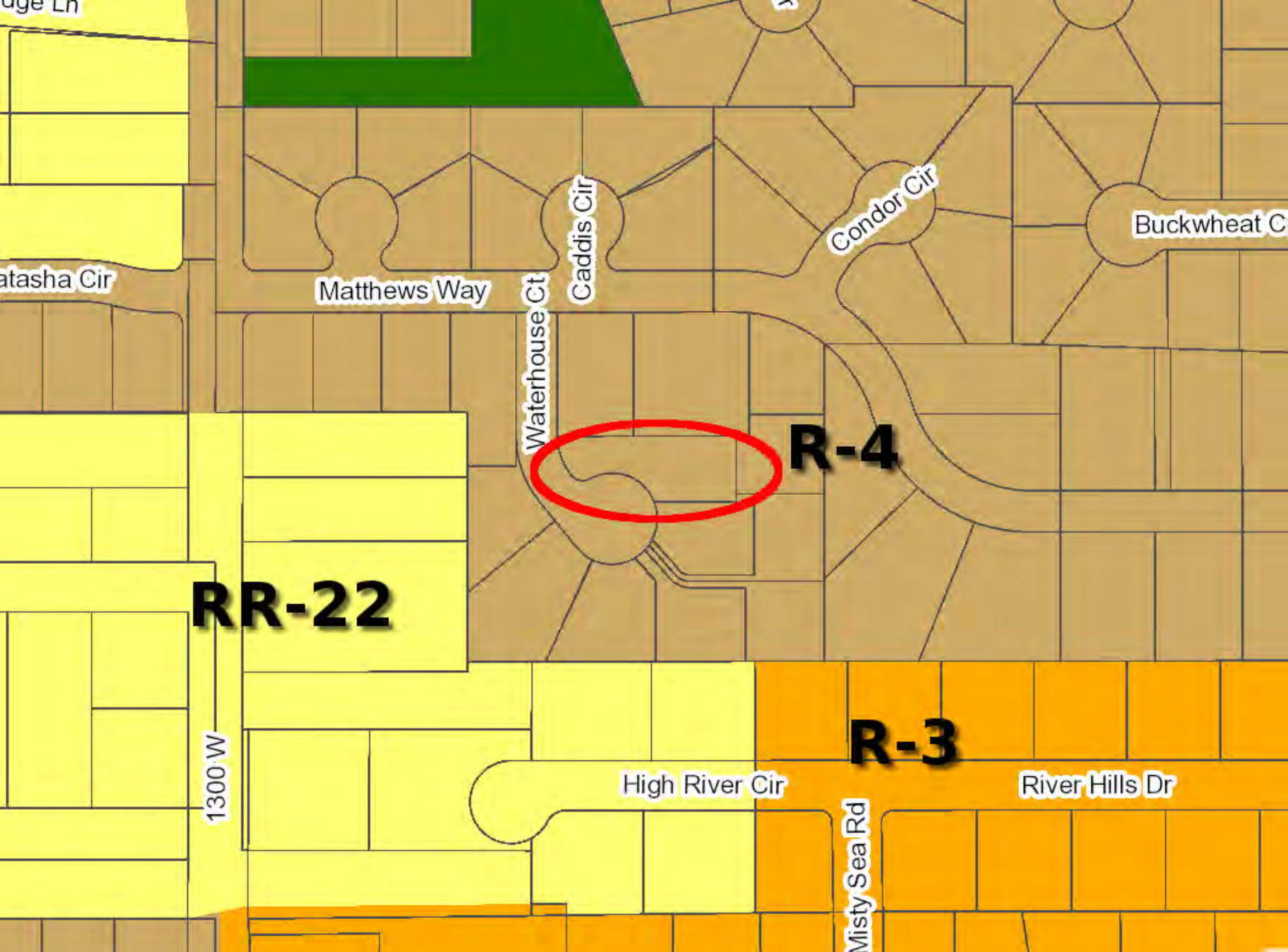
S 1390 W

S 1350 W

S 1380 W

Case Dr

High View Dr



RR-22

R-4

R-3

Waterhouse Ct

Caddis Cir

Condor Cir

Buckwheat C

MattheWs Way

atasha Cir

High River Cir

River Hills Dr

Misty Sea Rd

1300 W

ge Ln

**MATERIAL SUBMITTED BY
APPLICANT**

Variance Information: We are looking for a variance on the set back on the front side of our lot to add a garage. Our plan is to do a full house addition and remodel both off the back (east side of the home) as well as the garage addition out the front. We have looked at a number of options but cannot find a way to add the garage with the existing set backs on our long, narrow lot.

Working with our architect, we have drawn two options draw two different plans on how to fit the garage on the lot to be the most pleasing.

We feel that Option one is the best but wanted to present both options to the committee. This option is asking for a minimum of 14' 3-15/16" variance from the property line to the proposed structure in the narrowest point of the design and more distance between the property line and the structure in other areas. This is best explained by looking the plans showing the existing set back of 25 feet and the proposed structure overlap.

The second option we thought might work because with the garage entering from the west side, we thought the side of the garage could be considered the "side" of the house and would give us a much smaller set back of ten feet (I think.) We feel that this option consumes more of the visual space and may look more overbearing.

Justification for Appeal: We feel that this addition would add to the overall curb appeal of our whole circle and surrounding neighborhood. Our house is the original 1984 home in the circle and seven new homes were constructed in 2006-2007. These houses are large, modern homes that range in value from \$340,000 to \$420,000. Our home is the black sheep, so to speak, lacking curb appeal, value and the neighbors are afraid that if this home is not improved that it could fall in to disrepair and become the eyesore that brings down their values.

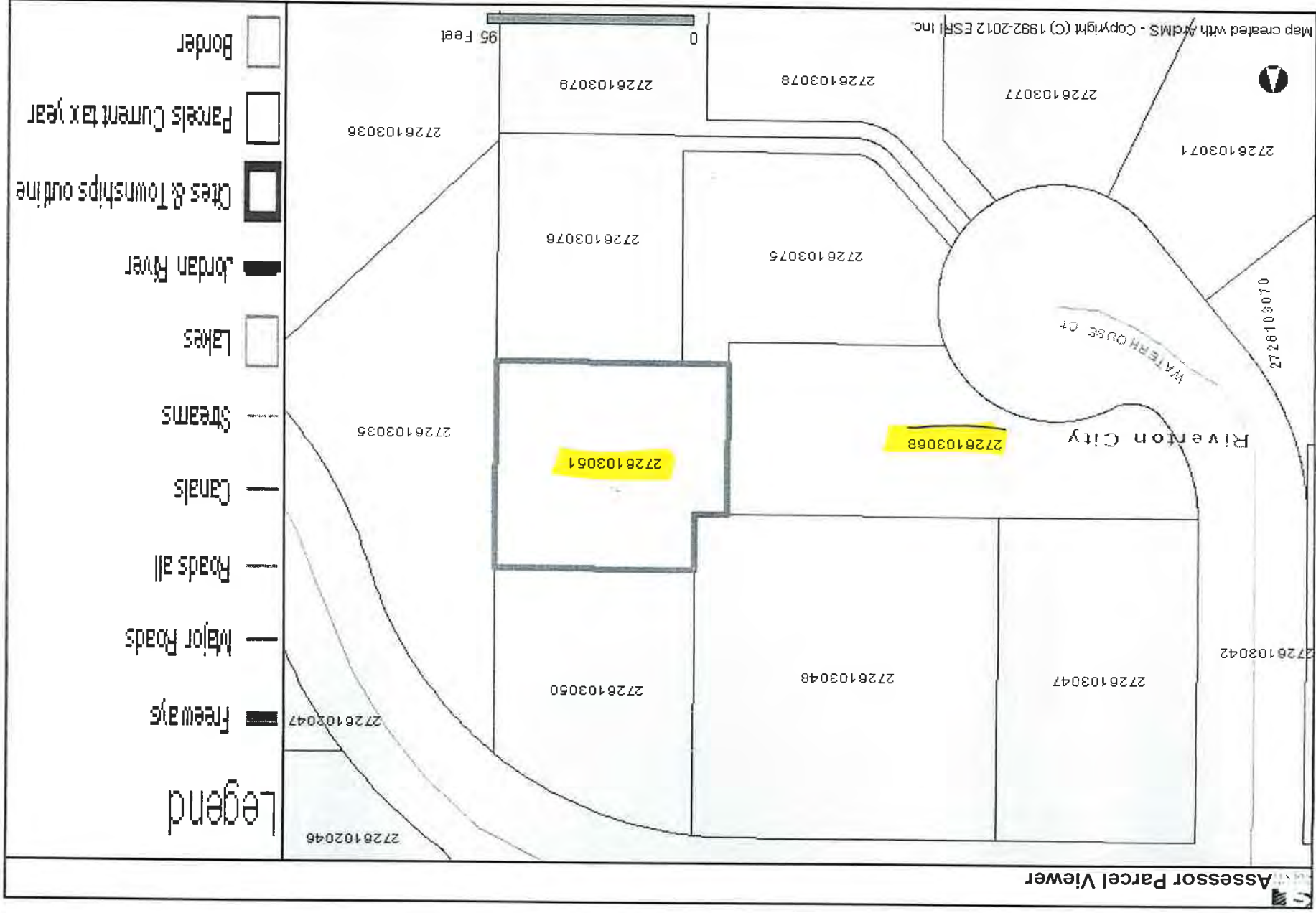
We purchased the home with the intent to do a full addition to make this our dream home but were a bit naive when it came to what would fit on the lot. We have talked extensively about our plans for the addition with our neighbors and they are excited about the plans and what it will do for the overall feel of the circle and for their home values as well. Also, every home in this circle has extra-large garage space which is very valuable. Four homes have 4 plus garages and additional RV parking and we feel that without an additional large garage space, we will not be able to justify the remodel/addition expense and resale.

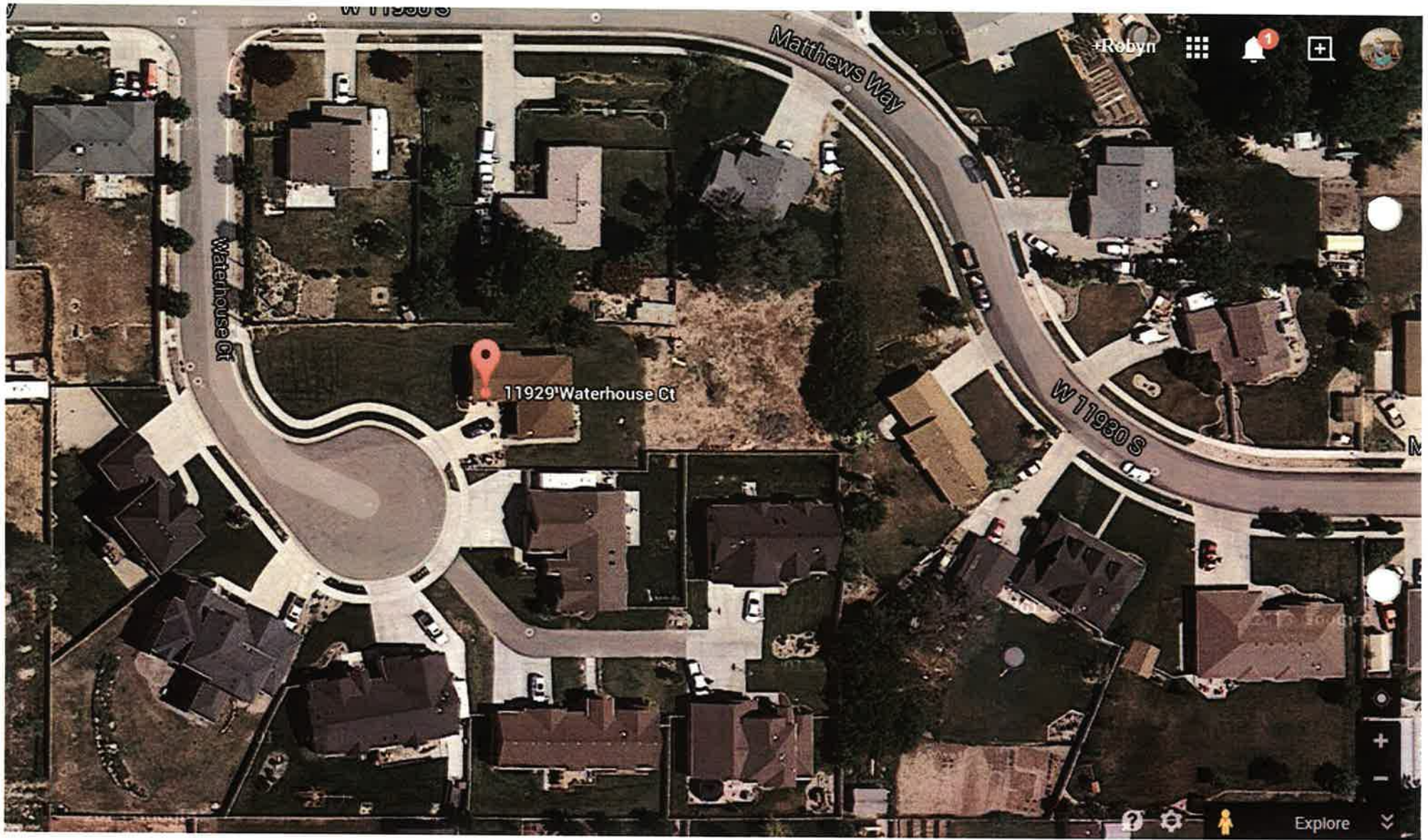
Also, you may notice on the aerial photos of the circle, that we have a few house that may not fit into the current codes as well with some of their set back. Due to this fact, we believe that our addition will not look out of place but rather blend our home with the others in the area.

In researching this remodel, we have considered many options, from tearing the house down and starting over, to putting the garage in back and even tried to buy a right-of-way from our back yard neighbor's but to no avail. The sides of our home are so tight that it would be very difficult to put a garage in the back yard, it would have a narrow driveway (and we would have to get permission from the committee for that as well because there is not enough legal space to put a driveway) and fill our backyard with driveways and buildings. It just doesn't make sense.

We also had Blue stakes come out and mark our front yard to see if there are any utilities in the way of the garage and we have no utilities, cables or wires in the location of the garage. It is wide open.

We have tried to consider every solution and we are presenting the best options we could come up with. We ask you to carefully consider the options we have given you, as well as the best interest for our friends/neighbors in our circle and allow us to upgrade this home into something to be proud of.





W 11930 S

Matthews Way

Robyn

Waterhouse Ct

11929 Waterhouse Ct

W 11930 S

Explore



Waterhouse Ct

11929 Waterhouse Ct





11968 Waterhouse Ct

Riverton, Utah

Street View - Sep 2011



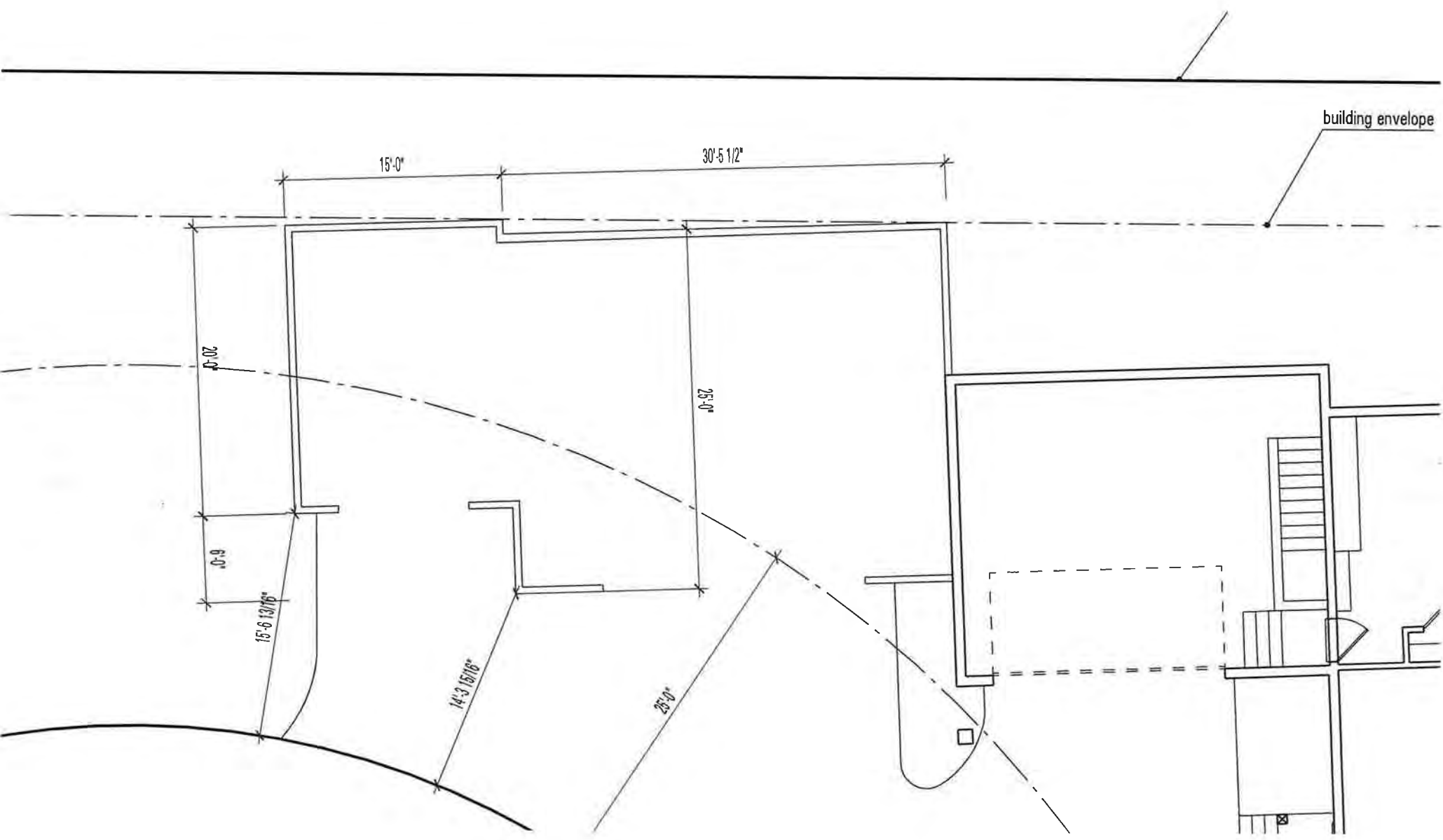
W 11940 S S 1300 W

Back to Map



Option 1

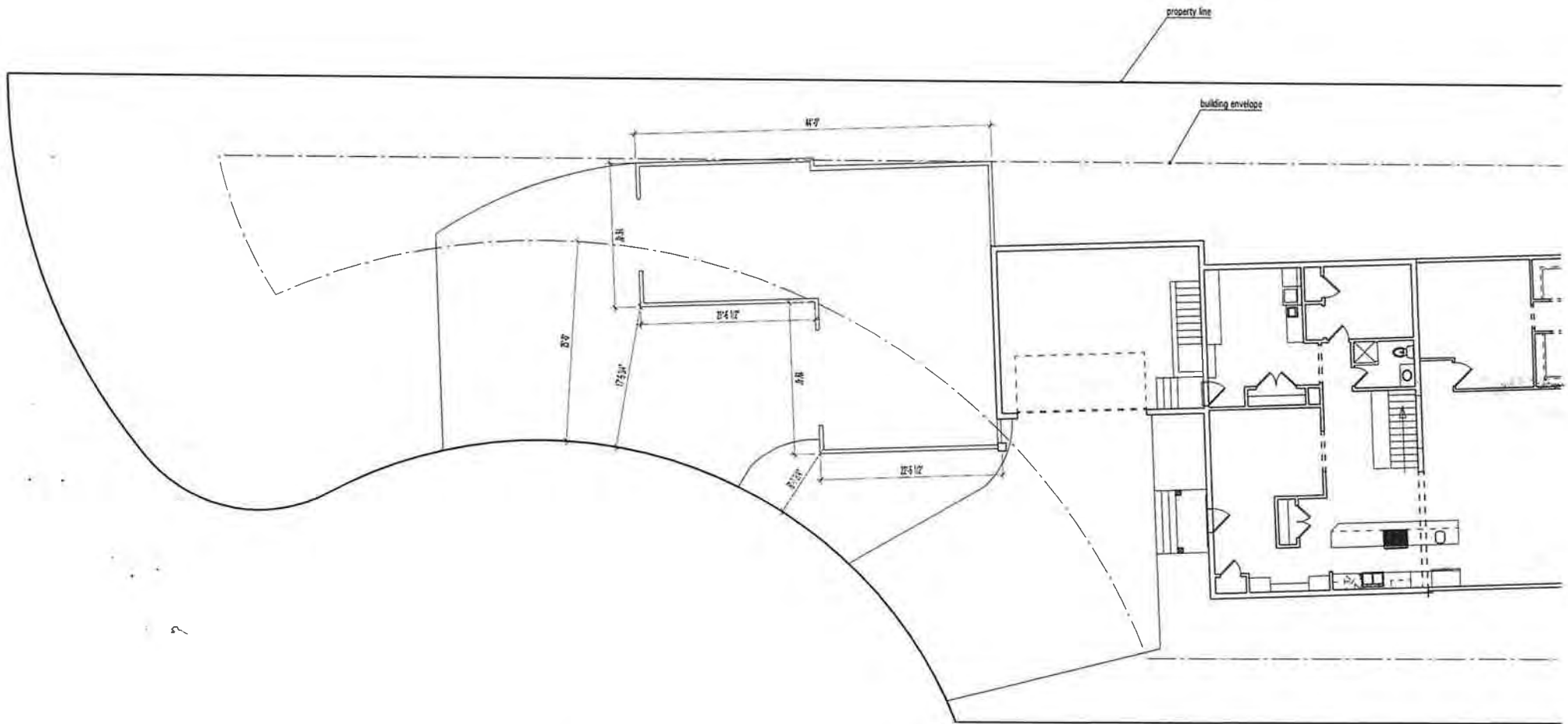




building envelope

Option 2





?

