



City of Milford

Mayor
Nolan Davis

City Administrator
Makayla Bealer

Board Members
Lola Bridge, Chairman
Jennifer Cox
Gary Mayer
Norm Davis
Audrey Conard

PUBLIC NOTICE is hereby given that the Milford City Board of Adjustments will hold a regular meeting Wednesday, October 11th 2023 at the City Office, located at 26 South 100 West, which shall begin at 4:00 p.m.

NOTICE & AGENDA

1. CHAIRMANS WELCOME & CALL TO ORDER:

2. CONSENT ISSUES

- a. Minutes from April 26, 2022 Regular Meeting

3. NEW BUSINESS

- a. Little Leapers Daycare Variance

5. COMMISSION REPORTS & COMMENTS

- a. Lola Bridge, Chairman
- b. Jennifer Cox
- c. Gary Mayer
- d. Norm Davis
- e. Audrey Conard
- f. Lisa Thompson, Zoning Administrator

6. ADJOURNMENT

CERTIFICATE OF DELIVERY & POSTING:

I, Lisa Thompson, duly appointed and acting Administrative Assistant/Zoning Administrator do hereby certify that the above Notice and Agenda was posted in three public places within the Milford City Limits on this 5th day of October, 2023. These public places being 1) Milford City Office; 2) U.S. Post Office; and 3) Milford Public Library. The foregoing Notice and Agenda was also delivered to each member of the governing body and posted on www.utah.gov.pmn.

Lisa Thompson

Lisa Thompson, Zoning Administrator

In compliance with the Americans with Disabilities Act, the City of Milford will make efforts to provide reasonable accommodations to disabled members of the public in accessing City programs. Request for assistance can be made by contacting the City Administrative Assistant/Zoning Administrator at 387-2711 at least 24 hours in advance of the meeting to be held.

**MINUTES OF MILFORD CITY
BOARD OF ADJUSTMENTS MEETING
405 South Main, MILFORD, UTAH
THURSDAY, APRIL 26, 2022 4:00 PM**

The Milford City Board of Adjustments meeting was called to order by Chairman Bridge at 4:01 p.m.

Present: Chairman Lola Bridge; Members Gary Mayer, Norm Davis, Jennifer Cox Audrey Conard; Zoning Administrator, Lisa Thompson.

Absent:

Visitors: Scott Yardley, Basilio Gaspar, Enelly Reyes, Buffy Cicala

Consent Issues

Review and approval of the regular meeting minutes for February 10, 2022.

MOTION: *Member Gary Mayer made a motion to approve minutes as written. Member Norm Davis seconded motion, and all were in favor. Motion passed unanimously.*

New Business

Beaver County Housing Authority Variance at 626-646 North 100 West

Beaver County Housing Authority has requested a variance for the following reasons:

- Reduce their setbacks from 30' to 20' to allow for a larger backyard for lots 26-28 in the Horn Silver Subdivision.
- Chairman Bridge read aloud the following:
 - Does literal enforcement of zoning ordinance cause an unreasonable hardship for the applicant that is not necessary to carry out the general purposes of the zoning ordinance?
 - BCHA: Yes, enforcement of the current zoning does cause an unreasonable hardship due to the costs of more concrete for a 30' setback as opposed to 20' which is what we would like. The homes across the street appear to only have a 10' setback.
 - Zoning Administrator Comments: An unreasonable hardship may not be self-imposed or solely economic.
 - Board Member Jennifer Cox commented that she does not feel like it is a hardship because it is financial and not due to the property.
 - Board Member Norm Davis commented that a new truck is approx. 21 ½' long and you can't park it on a 20' driveway without being on the sidewalk.
 - Are there special circumstances attached to the property that do not generally apply to other properties in the same district? If yes, what are they?
 - BCHA Answer: The homes across the street appear to have a 10' setback.
 - Zoning Administrator Comments: These lots in this entire subdivision are all the same size and not very deep.
 - Zoning Admin Thompson explained that what this is saying is the circumstances of these lots are not any different than what is across the street.

- Board Member Gary Mayer asked about the lots across the street. Lisa commented that she has done some research on them but cannot find anything. There is no record of a variance.
- Zoning Admin Thompson also explained that a developer came before the Board of Adjustment in 2015 and a variance was granted for multiple lots in this subdivision for a 20' setback. So there are multiple lots that do have the 20' setback.
- Board Member Gary Mayer commented that it is a unique situation because you are dealing with what was once a trailer park and not standard size lots or road.
- Board Member Cox commented that she feels we need to take into consideration that the road is not standard size and the lots on the other side are now congested on that entire road and you have an unusable sidewalk. So, what are we going to do on the other side to make it safe.
- Board Member Gary Mayer commented that he don't see the difference between one side and the other. They are only back 15' one side and 20' the other.
- Board Member Cox explained that if you are going to park a vehicle it is going to hang off. We need to take into account the safety concern because right now you have vehicles hanging off on both sides you have no place for a bike, to walk, or if you have a person in a wheel chair there is no accessibility. And you have a narrower road than normal.
- Board Member Gary Mayer commented so are we telling them what they can park there?
- Board Member Jen Cox answered no we aren't. But we need to look at the big picture. As a whole we need to look at safety as a concern. Gary commented we already have a problem with the 15' setback. Jen answered yes, so do we want to make it worse by allowing a 20' setback. If you allow it then you are going to have anyone with a truck hanging out over the sidewalk. Gary commented which they are doing on the other side of street because of the 15' setback. Jen commented we can't do anything about the other side of the street. They are done and built and whatever happened is in the past. We need to look at the best interests for the future. And if we congest the other side even more you will be losing the sidewalk on both sides of the street.
- Zoning Admin Lisa asked about a 25' setback.
- Board Member Jen answered she would be more in agreement with a 25' setback.
- Board Member Jen asked how much of a backyard this is going to give them.
- Zoning Admin Lisa explained that as it stands right now putting their house with a 30' setback it would leave 26' for the back yard. If you reduced it to a 25' setback that would give them 31' in the backyard.
- Board Members asked Buffy from BCHA if they had any comments. She explained she is just there representing Max Anderson because he couldn't make it but she understands what the board is saying with the reduced setbacks with cars hanging out in the road.

- Board Member Norm Davis commented its not that they don't want it, it is just a safety concern.
- Board Member Gary Mayer asked what the setback is on the duplexes that were just built in that subdivision. Lisa answered 25'.

- Is granting the variance essential to the enjoyment of a substantial property right possessed by other property in the same district? If yes, why?
 - BCHA Answer: Yes, granting the variance would give the tenants roughly the same opportunity to enjoy a back yard that like the people that live across the street. The highest and best use of the lots would be to be able to provide more space for children to play away from the street which would result in better safety.
 - Zoning Administrator Comments: A variance should not be granted to establish a property right that would not be available to other properties in the same area, that being said, in 2015 a variance was granted to a majority of the lots in this subdivision to reduce the front setbacks to 20'.
- Will the variance substantially affect the Milford City General Plan and will it be contrary to the public interests? If no, why?
 - BCHA Answer: The variance will not affect the General Plan because the general setback is not 30'.
 - Zoning Administrator Comments: The general plan/moderate housing plan encourages and promotes the development of moderate housing.
- Will the spirit of the zoning ordinances be observed, and substantial justice be done if the variance is granted? If yes, why?
 - BCHA Answer: Yes, the spirit of the zoning ordinance will be observed because it will not cause any encroachment upon any neighbors or adverse effects on any other property within city limits.
 - Zoning Administrator Comments: A variance is not an "escape clause" allowing an owner to disregard zoning regulations but is rather a mechanism to adjust requirements when necessary, so that all property owners may be treated with fairness; however, the health, safety and welfare of the public should be promoted and preserved.
- Zoning Admin Lisa asked if the board members had any comments.
 - Board Member Norm Davis said he is okay with granting a 25' setback.
 - Board Member Gary Mayer commented that he feels we are going to open...because of all the different setbacks up there. We are talking 20', 25', and 15'.
 - Board Member Jen Cox agreed but safety first.
 - Board Member Norm Davis asked if we could go with a 20' setback and only allow small vehicles to park there.
 - Zoning Admin Lisa asked who was going to enforce that?
- Zoning Admin Lisa commented that two wrong don't make a right and there is already a problem across the street because homes on the west side of this street cannot park in their driveways because they are not deep enough, so they are parking on the street. If you guys feel that a 25' is....(got cut off)

MOTION: *Member Jennifer Cox made a motion to approve the variance to allow Beaver County Housing Authority to reduce their setbacks from a 30' front setback to a 25' front setback. Member Norm Davis seconded the motion, and all were in favor. The motion passed unanimously.*

Basilio Gaspar-Variance at 80 West 600 North

Basilio Gaspar has submitted an application due to the height restrictions. He wants the height of his building to be 26' but the code only allows 18'.

- Board Member Conard asked what the purpose of having the building at 25'. Mr. Basilio answered that because of the size of the building he needs the peak to be at 25' to allow enough slope for rain and snow drainage.
- Board Member Norm Davis asked how high the duplex is going to be. Lisa answered it will be 28'.
- Zoning Admin Lisa explained that the reason why it states 18' is because he is located next to residential codes and there is no easement or street that separates him from that subdivision however, in the state code if you have a 150' buffer area you can build up to 35' without obtaining a variance. That would require you to move your building to the east. Lisa showed Mr. Basilio on paper what she is talking about.
- After discussion Mr. Basilio decided he would move the location of his building so there is a 150' buffer area between him and the residential zoned land. He is going to call the utilities and make sure he is not interfering with any utilities by moving his building.

MOTION: *Member Audry Conard made a motion to table this variance unless further discussion is needed. Member Jennifer Cox seconded the motion, and all were in favor. The motion passed unanimously.*

COMMISSION REPORTS AND COMMENTS

ADJOURNMENT

As there was no further business, Chairman Bridge adjourned the meeting at 4:51p.m.

APPROVED by BOARD OF ADJUSTMENT this _____ day of _____, 2023.



APPLICATION TO THE BOARD OF ADJUSTMENT FOR A VARIANCE

For Office Use Only

Fee: \$150.00

Receipt #: 1.105218

Date Received: 10.3.23

Hearing Date: _____

Name: Little leapers childcare / Dacie Derbidge

Authorized Agent (if applicable): Dacie Derbidge

Phone # (435) 310 0637 Cell # () Fax # ()

Email: dacie.derbidge@gmail.com

Mailing Address: PO Box 175 Beaver, UT 84713

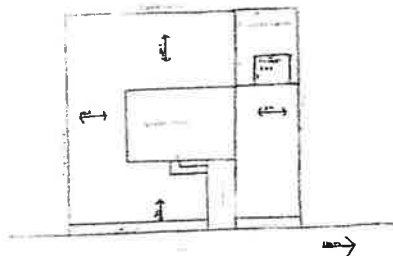
Address of Proposed Adjustment/Appeal: 2E Center Street Milford UT 84751

Zoning District: MSC RM6 MR6S HSC MR15
(Circle One)

Application Requirements

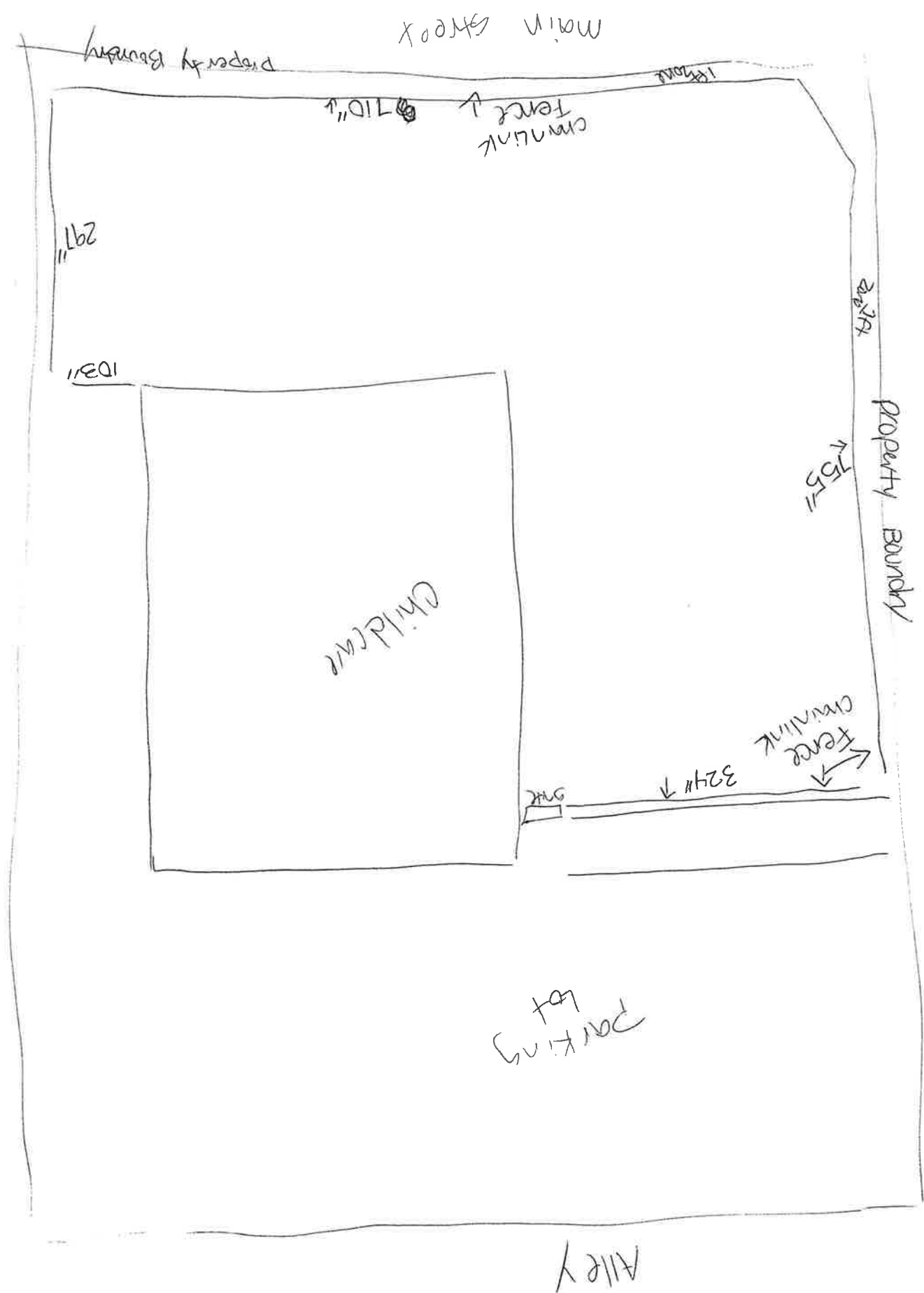
- Completed Variance Application Form
- Signed & Notarized Affidavit Form
- Application Filing Fee \$150.00
- Written response to questions
- A list of all property owners located within 300 feet of exterior boundaries of the subject property. Contact Beaver County Recorder's Office at 435-438-6484 for this information.
- Plot Plan drawn to scale including the following:
 - Minimum paper size of 8 1/2 X 11
 - Property boundaries and dimensions
 - Existing and proposed buildings, parking, landscaping and signs.
 - North Arrow

Sample
Plot Plan



If you feel additional information is needed such as photographs or further written response, please attach them to the application.

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Please respond to the following questions:

1. Does literal enforcement of the zoning ordinance cause an unreasonable hardship for the applicant that is not necessary to carry out the general purposes of the zoning ordinance? If yes, why?

Yes, without fence it makes it impossible to let the children outside for recess.

2. Are there special circumstances attached to the property that do not generally apply to other properties in the same district? If yes, what are they?

located in a commercial zone which allows for a childcare as permitted use. childcare code requires to have a 5' fence for protection of children on a main road. Current zoning only allows for a 4' fence on the corner of intersection. Fencing will be chainlink and will not block the view at the intersection.

3. Is granting the variance essential to the enjoyment of a substantial property right possessed by other property in the same district? If yes, why?

Yes, it will allow for the intended use of property to be used by letting children outside for recess.

4. Will the variance substantially affect the Milford City General Plan and will it be contrary to the public interest? If no, why?

NO, it will stay the same

5. Will the spirit of the zoning ordinances be observed and substantial justice be done if the variance is granted? If yes, why?

yes, it will enhance the permitted use

PROPERTY OWNER AFFIDAVIT

STATE OF Utah

§

COUNTY OF Beaver

I (we), Dacie Derbidge, being duly sworn, depose and say that I (we) am (are) the owners(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I also acknowledge that I (we) have received written instruction regarding the process for which I (we) am (are) applying and the Milford City Staff have indicated they are available to assist me in making this application.

DATED this 3 day of October, 2023.

Dacie Derbidge
Property Owner Signature



Property Owner Signature

Subscribed and sworn/affirmed to before me this 3 day of October, 2023
Lisa Thompson
Notary Public

My Commission Expires: Dec 30, 2024

AGENT AUTHORIZATION AFFIDAVIT

STATE OF _____

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COUNTY OF _____

I (we), _____, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City considering this application and to act in all respect as our agent in matters pertaining to the attached application.

DATED this _____ day of _____, 20____.

Property Owner Signature

Property Owner Signature

Subscribed and sworn/affirmed to before me this _____ day of _____, 20____.

Notary Public

My Commission Expires: _____