

BOARD OF ADJUSTMENT

MEETING AGENDA

June 16, 2011

4:30 p.m.

Pledge of Allegiance

Regular Agenda Items

1. BOA 2011-3 Consideration and action on a request for a special exception to allow access by a private right-of-way to an existing dwelling on a lot without frontage
2. Minutes
 - 2.1 Approval of the May 26, 2011 and June 02, 2011 meeting minutes
3. Adjournment

The meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah



In compliance with the American with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791.

Minutes of the Board of Adjustment Meeting held May 26, 2011 in the Weber County Commission Chambers, Room 108, 1st Floor, 2380 Washington Blvd, commencing at 4:30p.m.

Present: Celeste Canning, Vice Chair; Phil Hancock; Max Hohman; Doug Dickson; Deone Smith

Absent/Excused: Robert Heffernan

Staff Present: Scott Mendoza, Planner; Chris Allred, Legal Counsel; Kary Serrano, Secretary

Regular Agenda Items

1. **Minutes:** Approval of April 07, 2011 Meeting Minutes

MOTION: Phil Hancock moved to approve the April 07, 2011 meeting minutes. Doug Dickson seconded the motion. A vote was taken and Vice Chair Canning indicated the minutes were approved with all members present voting aye. Motion Carried (5-0)

2. **BOA 2011-02:** Consideration and action for a variance for a detached garage to encroach up to 17 feet into the required 20 foot side yard setback on Lot 12 of Durfee Creek Estates No. 1, located in the F-5 Zone, at approximately 6855 North Durfee Creek Road. (Sandra Fitzgerald & Matthew Sukraw, Applicants)

Scott Mendoza said he read the staff report and decided to present the background first, and then remind you of the criteria that you consider in order to grant the variance. Then explain staff's recommendations, then very quickly spending most of his time, taking you to the property through a series of pictures. What he hoped to demonstrate with the pictures is the second of the four criteria that are listed on the second page of your staff report. The second criteria have to do with demonstrating a special circumstance that has to do with this property, and demonstrate how it doesn't necessarily affect everybody in the zone. He hoped by showing these photos it would accomplish this.

Scott Mendoza reviewed the staff report and demonstrated the criterion with the pictures.

Max Hohman asked in looking at this, where the proposed garage sits, if there were a fire, how would they get a fire truck around the house to fight the fire. A lot of these setbacks have to do with whether or not you can get fire equipment in to fight a fire. Mr. Mendoza replied if you were to access all of this area here, this parcel is right next to open space, and a brush truck is probably capable of getting back into this area just by coming off of this road and driving down through here.

Max Hohman asked if it's accessible another way. Mr. Mendoza replied that when he went up there, he did not go up there to determine whether it was accessible, but he knew this area was open space. His opinion is that a fire truck could access to this area, it is drivable, and the area behind the proposed garage would be accessible by most firefighting equipment.

Chris Allred said that the fire issue would be looked at the time they are issued a building permit.

Phil Hancock said that our ordinance does not require any submission of details of that setback for fire. There is no minimum grade requirement in the setback. That can be landscaped, it can be retaining walls, it can be a street, and it can be a canal. So the setbacks on our ordinance are not there to provide fire protection. It would be easy to look in the ordinance but there is no reference at all to the availability to access for side yard requirements. Mr. Allred replied that if there was a requirement that it would be picked up at that time for the site plan review.

Phil Hancock said that he never in the 45 years have ever had a site plan review come back with any comments as far as access on residential properties. In commercial properties in some occasions there are, but they have setbacks in residential area that are not in the forestry zone.

Chair Canning asked about the 20-foot setback in this area being in place for health issues or for aesthetics issues. Mr. Mendoza replied that setbacks could frame a neighborhood. Setbacks will guide where the development on a lot goes, therefore when you go through a neighborhood, you get a sense of place based on those setbacks and how buildings are sited. Forest zones do not always have steep slopes, but in forest zones there are slopes in some cases and staying away from a property line 20 feet for excavation purposes may be a good idea but there is no engineering requirement in the ordinance.

Chair Canning asked so a three foot setback is not a safety concern in this instance. Mr. Mendoza replied that in Chapter 23, what is being proposed, what they are hoping to build is what Weber County calls a large accessory building, and the reason being that it's over 1000 square feet, and it has an impact on ascetics, and there are certain standards that have to go with that. For example, due to the fact that this is a large building, it has to be located 100 feet from the road, this is nearly 150 feet. Because of the size it needs to be 40 feet from a dwelling on an adjacent lot that provides a little buffer from a large massive building. In this case, it's all open space, it's common area and it will never be built on. It being built near or within 40 feet to another home is not an issue. Such large buildings are supposed to be kept at a height of 25 feet but can have a maximum of 35 feet and go within three feet of property line. There are standards that allow large buildings to actually go within three feet. Another standard that is involved here, because this proposed accessory building is supposed to be in front of the home, it has to meet architectural style and materials.

Steve Young, Solitude Builders, 2068 E 5950 N, Liberty, representing owners; Matthew Sukraw & Sandra Fitzgerald, 6855 North Durfee Creek, Liberty, Applicants Mr. Young said if there were any questions for them they would be happy to answer.

Phil Hancock asked if in this common open space is that a drainage easement or is it just open space, and there is some slope going down to the road, is that correct? Mr. Sukraw replied that yes but it's not a drainage easement, up in that area.

Vice Chair Canning asked if that was a cluster subdivision and that's the purpose for the easement around just the common area. Mr. Young replied yes.

Matthew Sukraw said in response to Mr. Hohman's question about driving a vehicle. He can take a four-wheel drive truck all the way to the back side of the house.

MOTION: Phil Hancock moved to approve BOA 2011-02 based upon an agreement with the staff's recommendations and their Conditions: 1. Meeting the requirements of applicable county review agencies; 2. Obtaining a land use and building permits prior to constructions. Deone Smith seconded the motion.

VOTE: A vote was taken and Vice Chair Canning indicated the motion was approved with all members present voting aye. Motion Carried (5-0)

3. **Other Business:** No other business was discussed.
4. **Adjourn:** The meeting was adjourned at 5:10 p.m.

Respectfully Submitted,



Kary Serrano, Secretary,
Weber County Planning Commission

Minutes of the Board of Adjustment T Meeting held June 2, 2011 in the Weber County Commission Chambers, Room 108, 1st Floor, 2380 Washington Blvd, commencing at 4:30p.m.

Present: Robert Heffernan, Chair; Celeste Canning, Vice Chair; Phil Hancock; Doug Dickson; Deone Smith; Max Hohman

Staff Present: Robert Scott, Planning Director; Sean Wilkinson, Planner; Kary Serrano, Secretary

Regular Agenda Items

1. **BOA 2011-02:** Consideration and action for a variance for a detached garage to encroach up to 17 feet into the required 20-foot side yard setback on Lot 12 of Durfee Creek Estates No. 1, located in the F-5 Zone, at approximately 6855 North Durfee Creek Road. (Sandra Fitzgerald & Matthew Sukraw, Applicants)

Sean Wilkinson said last week the same agenda item came before the Board, however, when they went to write the notice of decision, they realized that notices had not been sent to the adjoining property owners. Staff therefore sent out the required notices and they rescheduled the meeting for today.

Chair Heffernan asked if there was any additional information that staff would like to add. Mr. Wilkinson replied no.

Phil Hancock asked if staff had received any new communication. Mr. Wilkinson replied that they received one phone asking some basic questions. The questions were answered and the caller was satisfied.

MOTION: Celeste Canning moved that the board reaffirm their decision on last week's BOA 2011-02 approving the variance for the detached garage with reference to the motion form last week for the reasons, rationale, and justification for that motion. Deone Smith seconded the motion.

VOTE: A vote was taken and Chair Heffernan indicated the motion was approved with all members present voting aye. Motion Carried (6-0)

Rob Scott said that Sue Wilkins a member of the board, has sent him a resignation letter; she has new employment that precludes her from participating, so they have sent out a notice to the public that there is a vacancy on the board.

Sean Wilkinson said the ordinance amendment for Chapter 29 would be going to both Planning Commissions soon. Before the ordinance goes to the County Commission, this board will get to see it one more time.

2. **Adjourn:** The meeting was adjourned at 5:00 p.m.

Respectfully Submitted,



Kary Serrano, Secretary, Weber County Planning Commission