

Woodland Hills
Board of Adjustment
Request for Variance Application

BOARD OF ADJUSTMENTS

VARIANCE REQUEST PROCESS WOODLAND HILLS CITY

1. To request a variance, notify the Board of Adjustment and an application will be sent to you.
2. Return the completed application with the \$50.00 non-refundable application fee.
3. An initial review of the request will be done at the next scheduled meeting of the Board of Adjustments. If the variance request has merit and meets criterion, then proceed to Step 4. If the variance has not merit, denial may be issued at the first Board of Adjustments review.
4. The next step requires that all land/homeowners within a 300' radius of the property be notified of the requested variance. The person requesting a variance has the responsibility to make this notification. A list of owners within the 300' radius may be obtained from the City Recorder (Jody Stones, 423-3900) or online at www.utahcountyonline.org. A list of those owners contacted needs to be submitted to the Board of Adjustments or the City Recorder.
5. Evaluation for final approval of a requested variance will then be made at the next regularly scheduled meeting of the Board of Adjustments. Comments from adjacent owners and other concerned citizens would be made at that time before a final decision will be given.

For answers to additional questions, contact:
Jody Stones, City Recorder
801-423-3900
recorder@woodlandhills.cc

INFORMATION SHEET

BEFORE FILLING OUT THIS REQUEST FOR VARIANCE FORM. PLEASE REVIEW THE FOLLOWING CRITERIA.

State law allows the Board of Adjustment to grant a variance only if the following conditions are met:

FINDING OF FACTS

1. The literal enforcement of the zoning ordinance would cause an unreasonable hardship for applicant that is not necessary to carry out the general purpose of the zoning ordinance.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same district;
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;
4. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
5. The spirit of the zoning ordinance is observed and substantial justice done.

If each of the criteria are not met, the Board of Adjustment cannot grant a variance. It is your responsibility to present facts to the Board to establish each criteria.

If the variance is approved, the applicant is authorized to obtain an appropriate building permit within six months from date of approval. Upon failure to obtain a permit or if a permit is obtained and construction is not commenced before the building permit lapses, the variance shall become void.

WOODLAND HILLS
BOARD OF ADJUSTMENT VARIANCE APPLICATION

**ALL ITEMS ON THIS FORM MUST BE FILLED OUT COMPLETELY,
OR THE FORM WILL BE RETURNED.**

Date: 4/22/2021

Applicant's Name: Scott Bartholomew

Applicant's Address: 680 S. Skylake Drive
Phone: 801-368-7875

Variance Address (If Different): _____

- A. The applicant must be the legal or equitable owner of the real property for which the variance is requested.
- B. A \$50.00 non-refundable fee must accompany this application.
- C. A building permit must be obtained within six months of approval.
- D. Applications must be filed before the last Wednesday of the month to be considered in the following month.
- E. Variances are granted or denied pursuant to Utah Code Annotated Section 10-9-12, which reads as follows:

The Board of Adjustment shall have the following powers:

- 1. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the administrative official in the enforcement of this article or of any ordinance adopted pursuant thereto.
- 2. To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance.
- 3. To authorize upon appeal such variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; provided that the spirit of the ordinance shall be observed and substantial justice done. Before any variance may be authorized, however, it shall be shown that:

- a. The variance will not substantially affect the comprehensive plan of zoning in the city and that adherence to the strict letter of the ordinance will cause difficulties and hardships, the imposition of which upon the petitioner is unnecessary in order to carry out the general purpose of the plan:
- b. Special circumstances attached to the property covered by the application which does not generally apply to the other property in the same district;
- c. That because of said special circumstances, property covered by the application is deprived of privileges possessed by other properties in the same district; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.

F. The following must be submitted with this application:

1. Statement of variance requested.

I am requesting a variance for the following: (Check the correct variance or variances requested.)

- a. ☒ Side Yard: 20' feet on each side
- b. ☐ Front Yard _____ feet
- c. ☐ Back Yard _____ feet
- d. ☐ Frontage _____ feet
- e. ☐ Area Sq. Ft. _____ square feet

I desire to obtain the variance described above for the purpose of:

We are requesting a variance for the purpose of decreasing the hazard currently created by the non-city code compliant driveway our home, which we recently purchased, poses during winter and wet conditions. Specifically, we are seeking a request to add to our driveway at the top (where it connects to the street) and the bottom (where it turns back towards our house). Adding length to our driveway will decrease the overall slope while also adding a buffer of space (at the bottom) to serve as a safety mechanism in the event of a slide (see attached drawing). These improvements will not only bring the current illegal driveway, approved by the city at construction, into city code compliance, but will also bring a much-needed level of safety to our home, family, friends, and emergency workers. In our driveway's current state, during a winter or wet day, there is an unnecessary increase in excessive danger to anyone needing to walk/drive up or down the driveway. If a fire or ambulance situation arises during a slippery weather condition,

there would be unnecessary risk added to the emergency response workers caring heavy equipment or individuals up or down the current driveway.

The current slope of the driveway exceeds the 15-degree limit set by the city and has caused multiple dangerous instances during the 6 months we have lived in our home. Despite keeping it completely clear of snow (using a snowblower, shovel, and ice melt) there were multiple times this past winter that we slid down the driveway in our vehicles (4WD truck and AWD minivan – both with tires in excellent condition and very slow/careful driving). As the new owners of this property (we bought the home in August) this dangerous condition was not only stressful, but also hazardous and threatening – there is very little that can be done to stop a sliding vehicle down a driveway with an average slope of 16.5 degrees (some areas are steeper as 16.5 degrees is the *average slope*). The realization that an emergency vehicle, and the associated personnel, would not be able to safely navigate our driveway if needed is psychologically damaging, scary, and represents a potential liability situation.

2. Complete the following findings of facts: (The following questions are written in laymen terms for your assistance, (you should not rely on the content) however, if you desire additional help or council, you are free to bring your own attorney to the meeting with you.)

A. Describe the hardship you will incur if the variance is not granted. Economic hardship not sufficient to obtain a variance under state law.

The hardships associated with a denial of this variance (outside economic) are threefold: 1) mental and psychological stress from potential disaster, 2) Unnecessary increase in a danger and liability where emergency personnel are needed for quick response and 3) physical liability associated with unsafe driving conditions inherent with the current slope of the driveway. Woodland Hills City Resident Michael Raymond (Civil Engineer) completed an analysis of the driveway (see attached notes) and identified an average slope of 16.5 degrees on our driveway. This is a violation city code which dictates:

“Location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, curbing, parking areas, etc. All driveways shall have a maximum slope of 15% and shall follow all other requirements as set forth in Section 2.3.16 of the city’s Development & Construction standards.”

This violation of city code—which predates us as the owners of only one year—causes undue hardship to us as the current owners of the property. Each day it snowed this past winter we were faced with the reality that despite our best efforts to clear the driveway—using all available means—we may not make it back down our driveway without slipping and losing control. The mental and psychological stress of this reality was taxing. Further, in each instance that one of our vehicles did slip, we were completely out of control of the vehicle. There is very little that can be done to stop a slipping vehicle; we pumped the brakes, turned the wheel, replaced the tires, etc. The potential physical harm,

liability, and tragedy that could occur anytime snow fell provides a hardship above and beyond that experienced of other residents; a hardship that is centered on a driveway with a slope above the allowable limit.

B. Describe how this property is different from other property in the vicinity.

Our property differs from the others in the vicinity in Three ways:

- 1) The slope exceeds the allowable limit of 15-degrees.
- 2) Currently our driveway complies with the 20' restriction from the side lot, whereas others on our street have driveways which come within that 20' restriction.
- 3) Our driveway has a 90-degree and a 180-degree turn along the 16.5-degree slope. None of our neighbors have driveways which exceed the allowable slope and none of them have multiple turns to navigate along that slope.

The combination of a steep driveway coupled with navigating multiple hard corners contributes to a dangerous situation in violation of city rules. The current slope of the driveway contributes to potential liability issues (e.g., in the case of an emergency vehicle being unable to navigate the driveway), physical and psychological safety problems, etc.

- C. Describe what the benefit other properties in the vicinity have that this property will not have without a variance.

Aside from psychological and mental comfort resulting from confidence in one's ability to navigate their driveway safely, all other properties also have built-in safety measures which contribute to an overall sense of safety and well-being. Specifically, we are the only property where a slide on the driveway would lead to significant damage and potential injury (e.g., if any of our neighbors did slide on their driveway, they will not run into anything because of the driveway surroundings). The combination of a driveway with a grade above and beyond the allowable limit with the turns required leads to the threat of either 1) crashing a vehicle into the rock wall at the bottom or 2) sliding over the edge and off a 10' drop. Neither of these threats exist at the other properties within our vicinity.

- D. Describe why a variance will not deviate from the general scheme of the zoning law.

Our lot is classified as R-1 (brown on the city zoning map) with the following specified goals (as per the city):

single-family dwellings are situated, surrounded by well-kept landscaping, including xeroscaping, lawns, trees, and other plantings. Low vehicular traffic and quiet residential conditions favorable to family living are also characteristic of this zone.

Adjusting our driveway by adding 20' at the start and 20' at the bottom will not impinge on any of the identified goals. Minimal removal of trees will be required and we believe the variance will improve the residential conditions by increasing the safety and overall appearance of street.

3. List all property owners whose property abuts the property involved, stating the owners name and address

Name	Address
Steve Dewey	145 Mountain Vale Way
Dylan Dewey	683 S. Skylake Drive
Martin Gonzales	686 S. Skylake Drive

4. Attach a scaled plat plan indicating property lines, existing buildings, distances from buildings to property line, proposed building with distance to property lines and existing buildings.

See attached.

5. A brief statement of any previous variances on the subject property, the nature of the variance and whether the variance was granted or denied.

To my knowledge no other variance requested have been made – please note that we have owned the property since August and are not familiar with potential prior requests made by the previous owners (Mike Davis or previous).

I hereby certify that I have read and understand this application and that all representations made and material submitted with this application, including the fact of ownership of the subject property, are true and correct to the best of my knowledge, information and belief.



APPLICANT'S SIGNATURE

Subscribed and sworn to before me this 28 day of April 2021.

NOTARY PUBLIC

What we currently have



What we'd like to do
(yellow is new driveway)

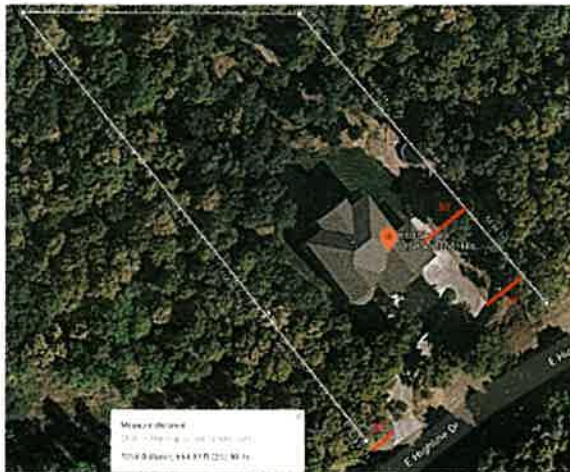


Variance Board
Woodland Hills, Utah

To Whom It May Concern:

I have mailed a copy of the map below with a letter explaining the proposed changes to Martin Gonzales. Martin is the owner of the lot to the North/East of ours (686 S. Skylake Drive). Accessing Utah County Parcels only provides an address for Martin and I was unable to locate any other identifying information to try and contact him. I asked him to reply to me with any questions, comments, or concerns and I have not received anything back.

Scott Bartholomew



What we currently have



What we'd like to do
(yellow is new driveway)



Variance Board
Woodland Hills, Utah

To Whom It May Concern:

My name is ^{Alan (AP)} ~~Allen~~ Purvis; I am the property owner at 705 Highline Drive. My property is across the street to the NE of the Bartholomew's lot. Scott and Julie Bartholomew have apprised me of their plans to seek a variance to their driveway. They have shown me their plans (see below) and I have no issues with this request. The Bartholomew's asked that I provide this letter in support of their plans and I have chosen to do so.


Alan (AP)
Allen Purvis

4/24/21
Date



What we currently have



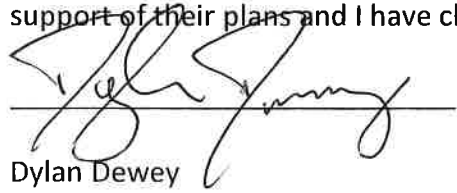
What we'd like to do
(yellow is new driveway)



Variance Board
Woodland Hills, Utah

To Whom It May Concern:

My name is Dylan Dewey; I am the property owner at 683 S. Skylake Drive. My property touches the Bartholomew's lot along the South. Scott and Julie Bartholomew have apprised me of their plans to seek a variance to their driveway. They have shown me their plans (see below) and I have no issues with this request. The Bartholomew's asked that I provide this letter in support of their plans and I have chosen to do so.


Dylan Dewey

4/24/21
Date



What we currently have



What we'd like to do
(yellow is new driveway)



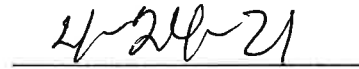
Variance Board
Woodland Hills, Utah

To Whom It May Concern:

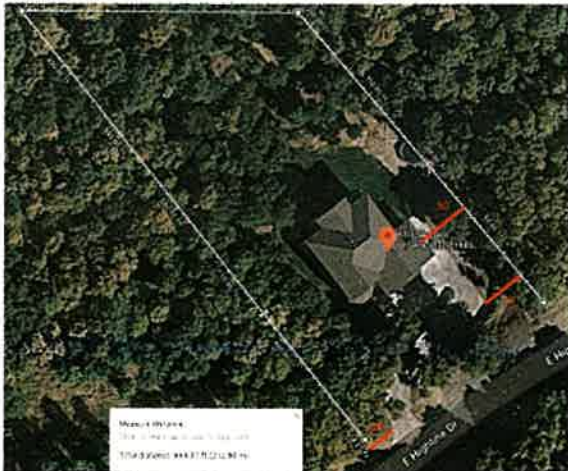
My name is Gary Fusselman; I am the property owner at 685 S. Skylake Drive. My property is across the street (to the East) of the Bartholomew's. Scott and Julie Bartholomew have apprised me of their plans to seek a variance to their driveway. They have shown me their plans (see below) and I have no issues with this request. The Bartholomew's asked that I provide this letter in support of their plans and I have chosen to do so.



Gary Fusselman



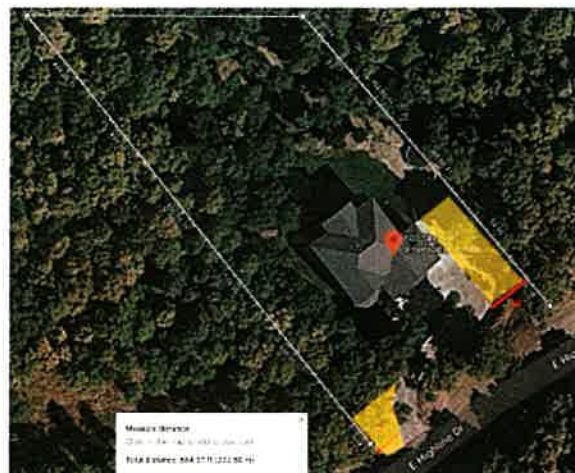
Date



What we currently have



What we'd like to do
(yellow is new driveway)



Variance Board
Woodland Hills, Utah

To Whom It May Concern:

My name is Steve Dewey; I am the property owner at 90 E. Schoolhouse Drive. My property is south of the Bartholomew's lot. Scott and Julie Bartholomew have apprised me of their plans to seek a variance to their driveway. They have shown me their plans (see below) and I have no issues with this request. The Bartholomew's asked that I provide this letter in support of their plans and I have chosen to do so.

Steve Dewey

Date



What we currently have



What we'd like to do
(yellow is new driveway)



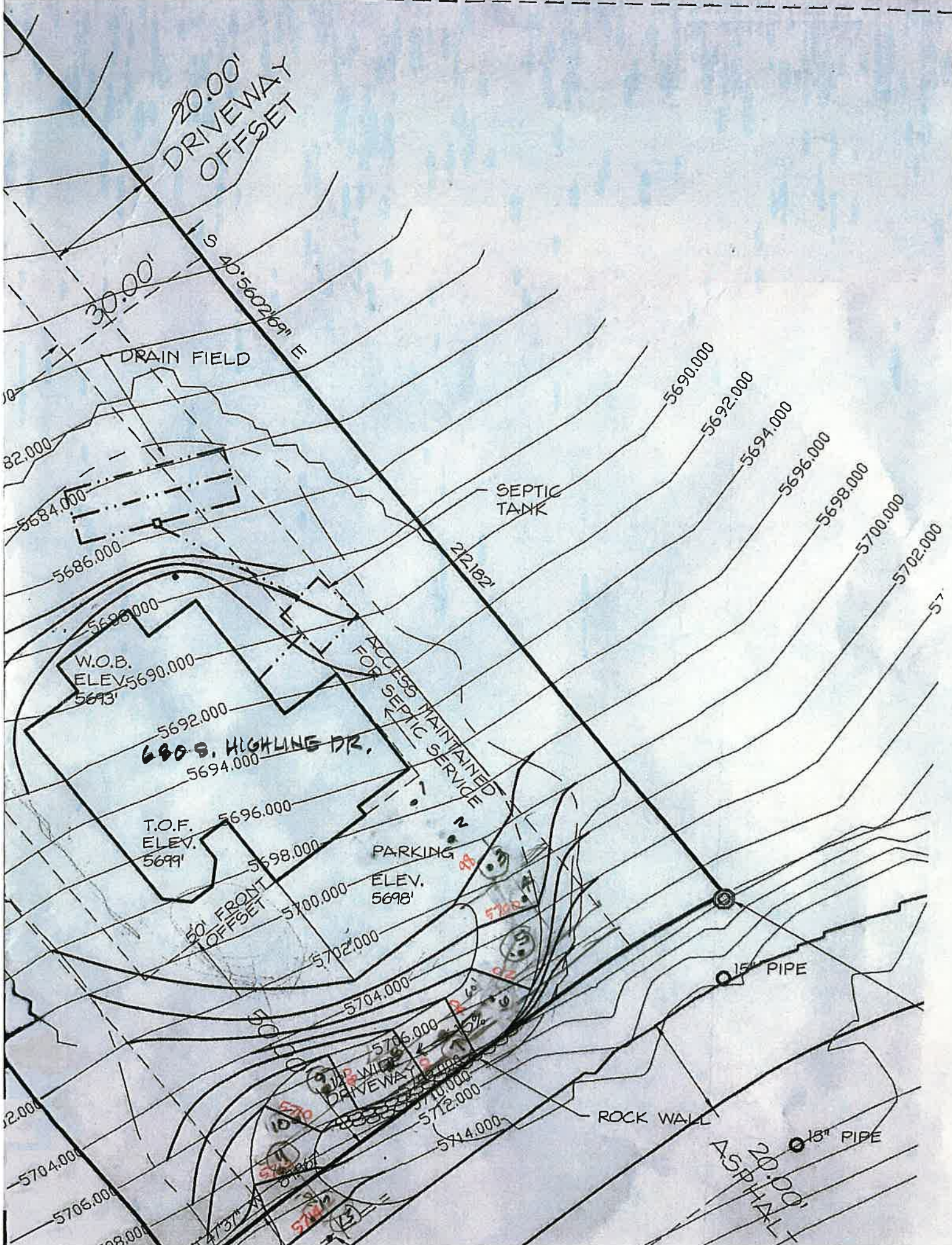
DRIVEWAY GRADES FOR BARTHOLOMEW RESIDENCE
FIELD WORK BY MICHAEL RAYMOND & SCOTT BARTHOLOMEW
MARCH 20, 2021 TOP OF FLOOR GARAGE = 5698.0'
680 S. HIGHLINE DR.

<u>PT. #</u>	<u>ELEV</u>
1.	5697.7'
2.	5698.4'
3.	5699.04'
4.	5700.63'
5.	5702.60'
6.	5704.30'
7.	5705.71'
8.	5707.73'
9.	5709.67'
10.	5712.08'
11.	5713.96'
12.	5716.04'
13.	5717.27'
14.	5718.0'

TOTAL RISE OF DRIVEWAY: $5718.0 - 5697.7 = 20.3'$

LENGTH OF DRIVEWAY: 123.0'

OVERALL AVERAGE SLOPE = 16.5%



20.00'
DRIVEWAY
OFFSET

30.00'

DRAIN FIELD

SEPTIC
TANK

680 S. HIGHLINE DR.

T.O.F.
ELEV.
5699'

PARKING
ELEV.
5698'

ROCK WALL

15" PIPE

15" PIPE

20.00'
ASPHALT

