

MINUTES OF THE MEETING
OF THE BOARD OF ADJUSTMENTS
OF GARDEN CITY, UT

The Garden City Board of Adjustments held a meeting on April 5, 2021 at the Garden City Lakeview room, located at 69 N Paradise Parkway, Bldg. C. Board Chairman Scott Tolentino called the meeting to order at 5:40 p.m.

Board Members present:

Scott Tolentino
Emily Stocking
Jennifer Casillas - telecom
Barbara Turnbow

Others Present:

Janece Dorrity
Gary Dorrity
Kim Harris
Penelope Harris
Jack Horsley
Elaine Horsley
Martell Menlove
Greg Wright
Heather Wright
Steve Scoville

Roll Call

Scott Tolentino asked for a roll call of Members present: Board Member Stocking and Board Member Turnbow. Board Member Casillas by telecom.

Variance requested by Steve Scoville for a variance on setbacks in order to build an addition to the existing residence. Location is 1292 S. Bear Lake Blvd. in Garden City, Utah.

Board Chairman Scott Tolentino called the meeting to order. He asked Steve Scoville to tell the Board about the variance he is asking for. **Mr. Scoville** stated that as you can see, this is an interesting property. There is a lot of history here with different lot lines between properties and construction which has taken place over decades of ownership between the neighboring properties here. This illustration shows the distance of a 10' setback from current setback ordinances. Looking to upgrade

things so it integrates into the fabric of the neighborhood. With those challenges we have existing property lines and offsets that have a 3' setback and in some cases even less than 3'. At some time there was an inline addition made and there was a change of boundary because the inline addition had gone over the property line and on to this property. So that is the main challenge - that we are trying to find a peaceful resolution to the set of conditions this property has inherited. The other side of the property is a lot easier to work with on the side setbacks because there is a lot more land to work with. However, with this property being built in its selected location to the north it is more important for us to be sensitive with our design. We've tried to come up with a better design that benefits both properties and is sensitive to the conditions of how close those property lines and offsets are. This existing structure is an old 1960's style home and this is a more updated current lake house style design that we are trying to integrate in to the neighborhood. The next challenge is the two existing slopes of the roof converge into a drainage challenge for snow drifting between both properties. The new design directs the snow onto the clients' property and does not add any more snow between the two properties, so we are trying to be more responsible for our portion of the snow, and helping to direct the water away from the neighbors' property. One element about this is a metal roof which helps the snow from building up and accumulating and we also have snow guards which will help. **Board Member**

Turnbow: So where is the water being directed to? **Mr. Scoville:** The water is collected in a rain gutter system and then it comes down and collects and goes subterranean and then directs back out to the lake. Next challenge – instead of having the wood siding that most homes have these days, the wall that we are going to replace on the existing home is actually architectural concrete, so it will be much more durable to an alpine environment and by having that in here it will help buffer and protect and make sure that this structure stays in good condition for a long time.

Penelope Harris: Cabin was built in 1971. In 1974 Bradleys' built their cabin. In 2006 Bradleys' outgrew their cabin and renovated and added an inline addition along the west. Two years later my mom had a survey done and it showed that their inline addition came across our property line on the south west corner. A few years ago we agreed to fix the property line right down the middle – three feet on each side. Our cabin is energy inefficient and unsafe in some places. The variances we are asking for are reasonable and prudent and do not further impede on either neighbor. We just want to renovate and add on to our cabin, as our neighbors did. The current setback rules assume that the lot is large enough that cutting off 18' off the width will not be a detriment. These rules do not seem to take flag lots into consideration. We are hoping that you will extend understanding to us on this request. **Chairman Tolentino** read two letters, from the Bradley Family and the Larsen Family (see attached). He then opened the floor for discussion.

Board Member Turnbow: Is this a rebuild or are you knocking everything down and starting over? **Mr. Scoville:** Instead of going off this existing footprint, we are shrinking the actual footprint. There is some building of new walls. And we are replacing walls where the structural engineer has suggested we do so. **Board**

Member Turnbow: Which walls will actually be replaced? **Chairman Tolentino:** The new structure will take up the footprint of the old structure with the exception of the two areas noted. The variance is for those two areas. Those little areas are pretty small. Is there any way to design those two areas to conform to the existing footprint?

Is there any way to take out that smaller slice and shorten it to the existing footprint.

Mr. Scoville: We could look at shortening some of the variance area. The other piece is actually more problematic. **Chairman Tolentino:** Are there going to be any windows on that concrete wall?

Mr. Scoville: No. **Board Member Casillas:** My concern is what if there is a fire. **Mr. Scoville:** Concrete – has a 3 hr. rating per 5". This 10" concrete wall should give us a 6 hour burn time. This wall will be around 10' high. The plans that I first issued to Heather that she referred to in her letter concerning plan design have been re-drawn to accommodate some of their concerns. Those plans showed quite substantial roof overhangs and we have reduced them because of their input from 3' to 1'.

Ms. Heather Wright: Our concern is the privacy issues. Pony wall is only 5' tall. The new patio with decks are literally like hanging over our hot tub. **Mr. Scoville:** We have reduced those from 12' to 6'.

Mr. Greg Wright: The Harris's say they have tried to be sensitive but in my opinion they should build the home to fit the lot, instead of drawing up the house and then trying to fit it on the lot.

Mr. Jack Horsley: Are you replacing any footings? **Mr. Scoville:** Yes. **Mr. Horsley:** Then you are changing the footprint. **Mr. Scoville:** No, they are in the same location, but some are structurally new ones. **Board Member Turnbow:** Much of this town was built before there were any ordinances. I feel that if you are basically starting over, then you should adhere to the current setbacks and make sure where the property lines are. **Board Member Casillas:** I agree. **Mr. Scoville:** We are changing elements like larger windows, larger doors – things that float off of the existing walls. There are different things that need to happen like new headers and things, but that is up to the builder, not me.

Mr. Harris: Exceptions are hard to deal with. If we make some adjustments to the north side, then the south side should work. **Chairman Tolentino:** I understand privacy and view issues when you want a large house on a small lot. This scenario has not got a lot of sympathy from the board in the past. Giving up some on the north side so the south side might be a solution. But it is still a variance. I would feel better if the north side were in line with the original footprint. **Mr. Scoville:** Harris' asked me to push back the design to be more accommodating and not block their view. **Chairman Tolentino:** So is the deck above the patio outside of the footprint? **Mr. Scoville:** The patio sticks out farther than the deck. We have cut back the boat garage from the original cabin.

Chairman Tolentino: Asked for a motion. **Member Turnbow:** Motion to deny variance request based on his request for setbacks. **Chairman Tolentino:** Is there a second? **Member Stocking:** I will second the motion to deny. **Chairman Tolentino:** Any more discussion? If not then I will call for a roll call vote. **Mr. Scoville:** I don't know how this jurisdiction works, but is it something we can add into the language of the motion to change the footprint of this to go along with what we have discussed today, concerning aligning this footprint back (north)? **Chairman Tolentino:** I personally would be supportive of that. **Member Turnbow:** Just muddies the water. It's not clear. You want me to modify the motion so you can have one part of the variance and not the other. **Mr. Scoville:** Yes, we would adjust our design to meet with the original footprint and not ask for a variance on the north side. **Chairman Tolentino:** So no variance on the north, but on the south still requesting original setback variance. Does that change any ones' opinion? **Member Turnbow:** I would rather see it come back as a new variance request with that taken off. **Kim Harris:** If we have to come back, this process will just take more time. And then no guarantees that it will pass after that. Is there any way to get a permit to start demolition without a permit? **Member Stocking:** So as chairman, are you willing to take the variance as proposed with these changes? **Chairman Tolentino:** Yes, you could put that in a motion. **Member Turnbow:** I don't want to change my motion. What is your estimate as to when you could have these changes made and re-submitted to this board? **Chairman Tolentino:** I am going to backup and ask for a roll call vote on the original motion made by **Member Turnbow** to deny the request. **Member Turnbow:** Eye. **Member Stocking:** Eye **Member Casillas:** Eye. Those opposed: **Chairman Tolentino** – eye. The variance is denied as written. My suggestion would be to come back with a request for no variance on the north side and specifically what you want for a variance on the south side. There is no guarantees as to what will happen with the request. **Member Stocking:** Ordinance 11C-203 – Additions, Enlargements and Moving. A building or structure nonconforming as to use regulations shall not be added or enlarged in any manner, unless such building or structure, including such additions and enlargements, is made to conform to all the regulations of the zone in which it is located except as permitted by the Board of Adjustments. If you are going to add on then it all needs to come within the setbacks. Thank you for your time.

Variance requested by Janece Dorrity. She is requesting a variance to add a residential footprint to a non-commercial building in a C-1 zone. Location is 184 S. Bear Lake Boulevard in Garden City.

Board Chairman Scott Tolentino invited Janece Dorrity to present her variance request.

Mrs. Dorrity: On February 16, 2021 I met with this board asking for a variance and it was denied. This time, I decided to reference Ordinance 11-C-202 and 203. 202 states 'Repairs and structural alterations may be made to a nonconforming building or to a building housing a nonconforming use'. 203 states 'A building or structure

nonconforming as to use regulations shall not be added or enlarged in any manner, unless such building or structure, including such additions and enlargements, is made to conform to all the regulations of the zone in which it is located *except as permitted by the Board of Adjustment*. Mr. Peart gave me permission to go ahead with expansion into the garage but said to do upstairs, I needed to get a variance with your permission. Putting on a deck and it does not go outside the footprint and is not covered. I feel all 5 conditions for approval have been met.

Chairman Tolentino: This is your second time here, and this time you are asking to build up, instead of out. I am now asking for a motion. **Board Member Turnbow:** I make a motion to approve this request as presented. **Board Member Stocking** second. **Chairman Tolentino** asked for a roll call vote. **Member Turnbow:** Eye **Member Stocking:** Eye **Member Casillas:** Eye **Chairman Tolentino** eye. The request has been approved. Thank you for your time.

Miscellaneous Business: none

Approval of minutes for this meeting held on April 5, 2021 will be prepared and mailed or emailed to each member of the Board of Adjustments. The Board Members will have 10 days to review the minutes and submit any corrections to the clerk. If after 10 days there are no changes, the minutes will stand as approved. If there are changes, the process will be followed until all of the changes are made and the Board Members are in agreement. Board Member Turnbow made the motion and Board Member Stocking seconded it. All in favor and the motion carried.

Motion of Adjournment made by Member Turnbow at 7:12 p.m.

APPROVED:



Board President
Scott Tolentino

ATTEST:



Assistant Clerk
Tamalyn E. Calder

