

**MINUTES OF THE
BOARD OF ADJUSTMENTS MEETING
OF GARDEN CITY, UTAH**

The Garden City Board of Adjustments held a meeting on Tuesday, May 25, 2021, in the Garden City Pineview Conference Room, located at 69 N. Paradise Parkway, Building C. Board Chair Tolentino opened the meeting at 5:30 p.m.

Board Members present:

Scott Tolentino, Chair
Jennifer Casillas
Martell Menlove
Emily Stocking
Barb Turnbow

Others Present:

Tammy Calder
Katrina Thompson
Derek Thompson
George Peart

Roll Call

Chairman Tolentino asked for a roll call of Board Members present: Chairman Tolentino, Board Member Casillas, Board Member Menlove, Board Member Stocking, and Board Member Turnbow.

Variance Request Discussion/Approval

Ms. Thompson explained that they are building in the Lochwood Subdivision. The cabin sits 20 feet from the back property line but the deck in the back of the house sits 12'6" from the property line at one corner and 16'2" at the other corner. She explained that they turned in the permit to the city, which was approved. When the foundation was poured, they found out that they the deck was too close to the property line. The trusses had already been ordered and delivered. She explained that the hardship is that they would have to re-order the trusses and have the back of the house re-designed and engineered. There would be a big delay of time.

Chairman Tolentino asked if the deck is covered. Ms. Thompson explained that it is a covered deck. She said that at the closest point the deck is 12'6".

Member Turnbow asked if the plans were drawn for the lot. Ms. Thompson said that the plans were drawn specifically for that lot and they were drawn by her brother who is an architect. Member Turnbow said that he drew the plans and they are not good for that lot. Ms. Thompson said that they didn't understand that there was a problem with the plans because the actual structure is 20' from the property line. They had the plans approved by the HOA and then approved by the city. She said that she didn't know that there was a problem until the foundation was poured.

Mr. Peart said that the plans were submitted and he made a mistake when approving them. He didn't catch the mistake until he went to inspect for the footings. At that point he talked to the Thompsons about the setbacks. They have poured the footings and the wall. Mr. Peart said he overlooked the deck when he did the plan review.

Mr. Peart said that the permit was submitted in February and the plans were approved on March 12th. The first inspection took place on April 29th.

Member Turnbow said that she feels that the person that drew the plans should have known about the setbacks. Ms. Thompson said that there is a 30' common ground between their property and the end of the subdivision.

Chairman Tolentino said that he understands where Member Turnbow is coming from. He also said that he feels that this wasn't intentional, and because it wasn't necessarily the Thompson's fault, he feels that some of the error is on the city. He said that because there isn't going to be a house built behind the Thompsons, he feels that takes the safety issue out of it.

Ms. Thompson explained that they have also ordered the doors and windows etc. for the house. She said that if they don't get the variance, it will set them back thousands of dollars and a lot of time. Chairman Tolentino explained that the variance can't be granted solely based on financial reasons. He said that he feels that the city does bear some of the responsibility. He explained that we can approve this based on the fact that this wasn't intentionally done and we missed it. Sometimes mistakes happen.

Member Menlove asked what the setbacks are in Lochwood. Mr. Peart explained that Lochwood is a PUD and the setbacks are 20' front, 20' rear, 6' and 4' on the sides. Ms. Thompson said that their side setbacks are right on. Mr. Peart said that the foundation is right on all of the setbacks.

Member Casillas asked if the HOA knows of the overhang. Ms. Thompson said that they are aware and they have the HOA approval. Ms. Calder sent notices to all property owners are within 100'. Only one adjacent property owner responded to the notice and they said they have no problem with the variance. The HOA was not specifically sent a notice.

Board Member Menlove moved to approve the request for a variance noting that this is a non-conforming building. Board Member Stocking seconded the motion. A vote was taken; Board Member Casillas, for; Board Member Menlove, for; Board Member Stocking, for; Board Member Turnbow, opposed; Board Chairman Tolentino, for. Motion carried.

Adjournment

There being no further business to discuss the meeting was adjourned at 5:50 pm.

APPROVAL:

Attest:

Scott Tolentino, Chair

Tammy Calder, Deputy Recorder