

**NOTICE AND AGENDA
CITY OF WOODLAND HILLS
BOARD OF ADJUSTMENT
February 25, 2021**

Notice is hereby given that the City of Woodland Hills Board of Adjustment meeting on Thursday, February 25, 2021 at 6:00 pm. The Board of Adjustment meeting will be held at the Woodland Hills City Center, 690 South Woodland Hills Drive, Woodland Hills, UT 84653. Due to COVID-19 restrictions, the meeting will be held electronically.

A. Business and Discussion

1. Appeal filed by Geoff Sloan-315 Summit Creek Drive, Four Season Subdivision: Roadside setback variance
2. Appeal filed by Mike Deushane- 604 W. Summit Breeze Circle, Four Seasons Subdivision: Roadside setback variance

In accordance with the A.D.A., persons needing special accommodations during this meeting should notify the Woodland Hills Recorder at 801-423-1962.

*Posted February 23, 2021
Jody Stones, City Recorder*

Zoom Meeting

<https://us02web.zoom.us/j/89426184615?pwd=OHA5R1o4akplVW9wb3YyNFFMTngyZz09>

Meeting ID: 894 2618 4615

Passcode: 589259

One tap mobile

+12532158782,,89426184615#,,, *589259# US (Tacoma)

+13462487799,,89426184615#,,, *589259# US (Houston)

Dial by your location

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 301 715 8592 US (Washington DC)

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Minutes of a City of Woodland Hills Board of Adjustments Meeting

February 25, 2021

Present:

Travis Palfreyman

Wade Snarr

David Stones

George Thompson

Joe Wilkins

Brent Winder-excused

Business and Discussion:

Roadside setback Variance for Lot # 6 (Deuschane) and lot #12 (Sloan) in Four Seasons Subdivision

The recorded plat map at the county allows for a 30' front setback, 20' roadside setback, 15' side setback and a 30' rear setback.

Appellants argue that although current city ordinance requires all road setbacks to be 30'. Since the plat was recorded in error, the city should be required to adhere to the recorded plat map.

MOTION: Chairman Palfreyman made the MOTION to approve the roadside setbacks as per the recorded plat map.

SECOND: David Stones seconded the MOTION

VOTE: Motion passed UNANIMOUSLY

ADJOURN the Board of Adjustments Meeting:

MOTION: Chairman Palfreyman

SECOND: David Stones

Meeting adjourned at 6:31 p.m.

Chairman Palfreyman dismissed David Stones, Mrs. Thompson and the City Recorder asked the other members to stay for an emergency closed session.

A CLOSED SESSION of the Variance Board was called to order at 6:40 pm.

In lieu of written minutes the meeting was recorded.

The SESSION was ADJOURNED at 7:25 p.m.

February 22, 2021

Travis Pulfryman

Chairman, Board of Appeals

City of Woodland Hills

Reference Lots # 6 (Michael Deushane), #12 (Geofrey Sloan)of the Four Seasons Subdivision

Dear Chairman Pulfryman:

I wish to bring a matter to your attention that the Board of Appeals will be hearing in the near future wherein the owners of the two lots, referenced above, will be making a request for variances of the lot setbacks. This pertains, at the present time, to Lot numbers 6 and 12, in the Four Seasons Subdivision being developed by Robert Nelson. These two lots were shown on both the original subdivision preliminary and final plats for Plat A of the subdivision, which plats have been approved and recorded with the Utah County Recorder's Office. These lots have now been sold by the developer to private parties who wish to build on them. The elements presented herein pertain to both lots. These two lots were approved by the city with incorrect setbacks which were shown on the referenced plats. This was inadvertently done by the builder, his engineer in drafting both the preliminary and final subdivision plats, the city engineers in their technical review of the plats, the planning commission in their review and approval of the plats and the city council in their approval of the plats. It did not come to light until site plans were provided to the city when building permits were being requested to start building a structure on each of the lots. The site plan reviewers noticed incorrect setbacks being shown on the site plans. We initially thought that the error was the builder's error in setting out the improper setbacks on the site plan, however, on further investigation we learned that the identified setbacks on the site plan were the ones shown on the final plat which the city approved. These setbacks were the ones the builder relied upon in designing and placing his home on the lot and had no reason to question them as the plats had been approved by the city.

The purpose of this letter is to inform you of the above information and the fact that it was mostly the city's error that this happened and was not caught beforehand. The city has no objection to granting a setback variance, if that is the decision of the appeals board, as it is shown on the final plat for both lot number 6 and 12 as this is the information that the lot owners relied on in both purchasing their lots as well as designing their homes to "fit" within the lot setbacks.

Sincerely,



Wayne B. Frandsen, Planning Commission Chairman

Cc: Jody Stones, city Recorder

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, 423-1962) or online at www.mtshcountyonline.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
801-423-1962
recorder@woodlandhills.cc

- 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
- b. _____ Front Yard 30' feet
- c. _____ Back Yard 30' feet
- d. _____ Frontage _____ feet
- e. _____ Area Sq. Ft. _____ square feet

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

This is in refaction of the plat
map that has already been approved
by the City of Woodland Hills and
recorded with County.

WOODLAND HILLS
BOARD OF ADJUSTMENT VARIANCE APPLICATION

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

Date: 2/2/21

Applicant's Name: Geoff Sloan

Applicant's Address: P.O. Box 348 Payson, UT
Phone: 801 366-1047

Variance Address (If Different): 315 Summit Creek Dr

- 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:

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.

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.

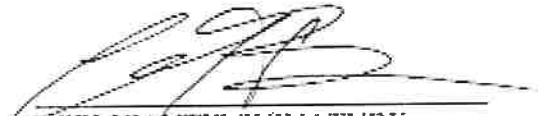
- B. Describe how this property is different from other property in the vicinity.

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

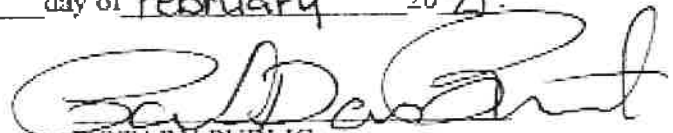
- [illegible]

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.
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.

I hereby certify that I have read and understand this application and that all representation 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 8 day of February 2021.


NOTARY PUBLIC



Woodland Hills
Board of Adjustment

Request for Variance Application

BOARD OF ADJUSTMENTS

Emailed
Board of Adj
01-28-20
Four Season
Plat A
Lot # 6

VARIANCE REQUEST PROCESS WOODLAND HILLS CITY

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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.
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WOODLAND HILLS
BOARD OF ADJUSTMENT VARIANCE APPLICATION

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

Date: 1-27-21

Applicant's Name: NIC LAJEUNESSE RESIDENTS / MIKE DEUSHANE

Applicant's Address: 920 W CRESENT WAY MAPLETON,
UT 84664 Phone: 213 305-5876

Variance Address (If Different): 604 W SUMMER BREEZE CIR
WOODLAND HILLS, UT 84653

- 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.
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- 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.

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- 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:

WHEN WE PURCHASED THE PROPERTY THE APPROVED
PLAT CORNER SET BACKS WERE FRONT 30' AND ROADSIDE 20'
WHICH IS HOW WE DESIGNED OUR HOME. SO WE ARE ASKING
THAT WE CAN KEEP THE SET BACKS AS PER OUR UNDERSTANDING
IN WHICH WE BOUGHT AND DESIGNED FOR THIS PROPERTY.

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 HOUSE THAT WE DESIGNED AS PER THE
APPROVED PLAT WITH THE APPROVED SET BACKS
WILL NOT FIT ON THE LOT 6

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

IT IS A CORNER LOT WHICH HAS DIFFERENT
RESTRICTIONS THAN OTHER LOTS.

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

THEY HAVE LESS REQUIRED SET BACKS

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

NOT SURE HOW TO ANSWER THAT OTHER THAN
IT WILL HELP TO PUT A NICE HOUSE ON THE
LOT TO INHANCE THE SUB DIVISION.

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

Name

Address

MIKE DEUSHANE # 5

648 OVERLOOK RIDGE CIR

MAPLETON, VT 84664

ROBERT NELSON # 11

405 W STATE RD. 198

SALEM, VT 84653

STEVEN MITCHELL # 7

JOAN DEVLIN # 12

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.
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.

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

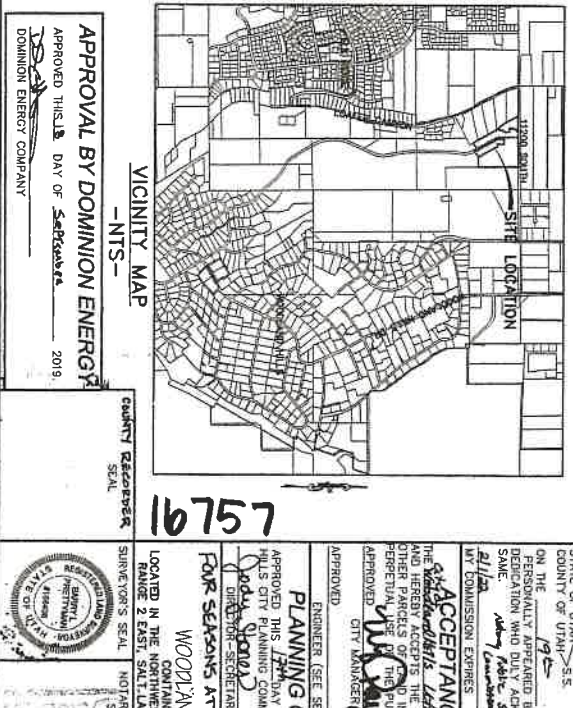
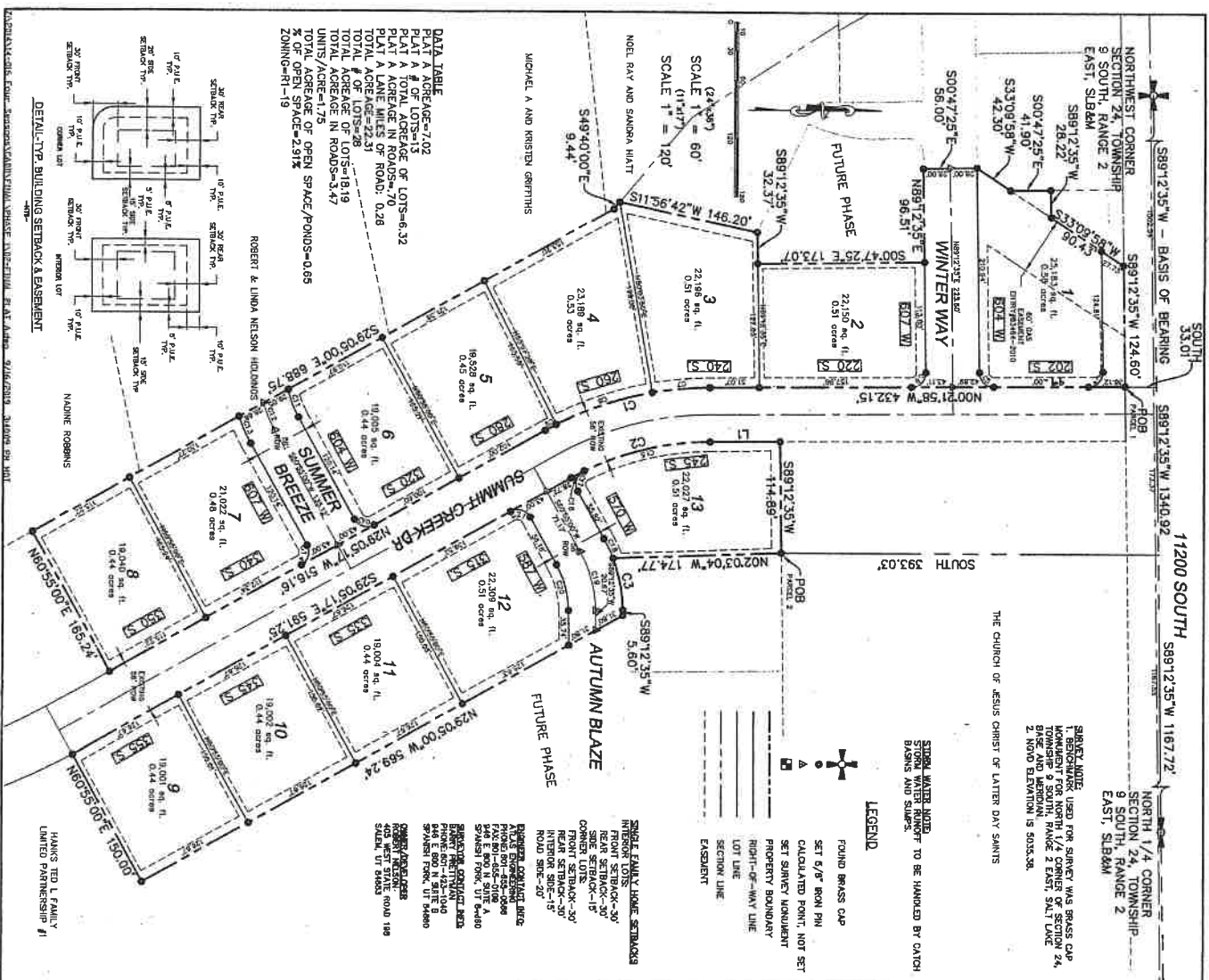
Subscribed and sworn to before me this 27th day of JANUARY 2021.





NOTARY PUBLIC

SPENCER MONROE, PUBLIC NOTARY



CURVE	RADIUS	LENGTH	CHORD DIST.	DELTA
C1	350.00	178.48	178.48	180.00
C2	350.00	178.48	178.48	180.00
C3	350.00	178.48	178.48	180.00
C4	350.00	178.48	178.48	180.00
C5	350.00	178.48	178.48	180.00
C6	350.00	178.48	178.48	180.00
C7	350.00	178.48	178.48	180.00
C8	350.00	178.48	178.48	180.00
C9	350.00	178.48	178.48	180.00
C10	350.00	178.48	178.48	180.00
C11	350.00	178.48	178.48	180.00
C12	350.00	178.48	178.48	180.00
C13	350.00	178.48	178.48	180.00
C14	350.00	178.48	178.48	180.00
C15	350.00	178.48	178.48	180.00
C16	350.00	178.48	178.48	180.00

DOMINION ENERGY COMPANY

DOMINION ENERGY COMPANY (DOMINION ENERGY) IS THE PRESENT OWNER OF A RIGHT OF WAY AND EASEMENT RESERVED RIGHT OF WAY AS SHOWN ON THIS MAP. DOMINION ENERGY HAS THE RIGHT TO USE THE RIGHT OF WAY AND EASEMENT FOR THE PURPOSES OF THE PROJECT. DOMINION ENERGY HAS THE RIGHT TO USE THE RIGHT OF WAY AND EASEMENT FOR THE PURPOSES OF THE PROJECT. DOMINION ENERGY HAS THE RIGHT TO USE THE RIGHT OF WAY AND EASEMENT FOR THE PURPOSES OF THE PROJECT.

BOUNDARY

THE BOUNDARY OF THE PROJECT IS SHOWN ON THIS MAP. THE BOUNDARY OF THE PROJECT IS SHOWN ON THIS MAP. THE BOUNDARY OF THE PROJECT IS SHOWN ON THIS MAP. THE BOUNDARY OF THE PROJECT IS SHOWN ON THIS MAP. THE BOUNDARY OF THE PROJECT IS SHOWN ON THIS MAP.

fair seasons at wood and hills

