

**MINUTES OF THE HOLLADAY BOARD OF ADJUSTMENT
MEETING**

Tuesday, April 11, 2006

6:00 p.m.

Council Chambers - 4707 S Holladay Blvd.

Holladay UT 84117

ATTENDANCE

Board of Adjustment Members:

Henry Kesler, Chair
Barbara Dunn
Carrie Greenberg
Wayne Janssen
Dominic Welch
Mike Pusey - Alternate

Staff:

Paul Allred, Community Develop. Dir.

Chairman Kesler called the meeting to order at 6:03 pm and read the Chairs statement.

1. NEW BUSINESS

1.1 Variance Request for Marden Manoukian - 5390 S Holladay Blvd

Background:

The applicant is requesting a variance in the side yard for a detached garage in the R-1-43 zone. The lot is irregular in shape and already has more than one setback nonconformity. The lot is a corner lot facing two public streets and has a gentle slope east to west. The applicant feels the relocation of the garage to the north side of the property will allow for better safety and access to the property.

The zoning setback required in the front is 30ft and in the rear for a detached garage you can go as close as 3ft.

Recommendation:

Due to the highly irregular and nonconforming nature of the site, staff would recommend a variance from the setback requirements if the garage is interpreted by the Board to be in the side yard. If the Board feels that the garage is in the rear yard, then a variance is not likely needed.

Discussion: (6:27)

Chairman Kesler commented that the home faces east, the front door faces east and the address is in fact on Holladay Blvd.

Applicant was not present.

Michael Pusey - 2964 Juniper Way. Seems like all access is from the south and that is that front yard. The applicant would only need 15ft from Holladay Blvd. He is concerned about the safety of backing out onto Holladay Blvd.

Rod Davey - 2718 Hillsden Dr. Questioned if street to the south is really Hillsden, it is more like an alley and setback from what property line. Holladay Blvd access is common in the area to the north.

Vera Housa - 5385 S Holladay Blvd. She lives across the street from the property. Right now the intersection of Hillsden Dr on the east side of Holladay Blvd is so dangerous to back out or enter the driveway.

Brian Cante -2755 Hillsden. Lives next door and he is concerned over losing his view. Access from Holladay Blvd is very difficult. Feels a semi circle driveway would be better.

Closed public portion of meeting

Chairman Kesler clarified request from applicant for a variance to put detached garage on lot. Where do we think the front yard is? That will determine, what if any variance is required. He feels the front of the house is where the front door is on Holladay Blvd. Are we creating a potential safety issue?

Board Member Janssen feels that no one will park on Holladay Blvd house due to safety. Feels the garage is in the rear yard and the front yard is on Hillsden.

Board Member Welch agrees that the front yard is on Hillsden but the owner needs to give us that direction.

The Board and staff debated the safety issues and where exactly the front of the house is. It is a greater safety issue to have the driveway off Hillsden due to the corner and view.

Board Member Dunn moved to grant the variance based upon a 20ft setback from Holladay Blvd and a 16ft setback from the west property line, as shown on the site plan, due to the highly nonconforming nature of the lot. Board Member Welch seconded the motion.

Mr. Allred clarified the options for the Board. The first would be to attach the garage to the home which would be an in-line addition to the home and does not need variance, the second is a detached garage in the rear and no variance is required or a detached garage in the side yard which requires setback variances in the front and rear. Mr. Allred commented that is uncomfortable taking action on this item without the applicant present to hear the comments and discussion.

The Board roll call vote was as follows: Board Members: Janssen, Dunn, Welch and Chairman Kesler in favor with Board Member Greenberg opposed. The variance request was approved by a majority vote

(4-1).

1.2 Variance Request for Larry Stewart - 5744 S Wasatch Blvd

Background:

The applicant is requesting a height variance for the westerly portion of the home in the R-1-21 and part of the FCOZ zone. The home and property already have houses that are taller to the north and south. The lot is irregular in shape and steeply sloped and will likely be on a septic system. The closet home is to the west (downhill) 200 ft. The slope on the lot is greater than 15% and is limited to no more than 30 ft in height. The applicant believes the variance will allow for better use of the home.

The home does not meet the graduated height on the north elevation and on the west side of the home the overall height from natural grade is about 35 ft which exceeds the 30ft. The applicant will need two variances in order to build the home.

Recommendation:

Staff recommends careful examination of the site, the application and the rationale of the applicable ordinances.

Discussion:

Chairman Kesler stated that a certified topographic survey is needed in order to make a decision. Mr. Allred stated that the applicant did turn in a contour plan. There are two issues, what is the overall height of the home and secondly, there is an issue of graduated height on the north side of the home.

Larry Stewart - applicant. Has build and lived in the house to the north and it is easily 35-40ft tall. The proposed house was 30ft high but they did not take into account that the existing grade was were it would be measured from. The roof structure on the house that does not meet the area code is actually a covered patio that extends out from the house. The patio covers the west windows and keeps the sun off the home.

Closed public portion of meeting.

7:33:25 Board Member Greenberg moved to approve the height variance request of no more than 5ft and the building envelope variance due to it meeting the five statutory criteria. Board Member Janssen seconded the motion. The Board roll call vote was as follows: Board Members Dunn, Greenberg, Janssen, Welch and Chairman Kesler in favor. The motion to approve passed by a unanimous vote.

2. OTHER BUSINESS

2.1 Staff Report

There will be a training meeting on May 9 with Sydney Fannesbeck and Craig Hall.

3. ADJOURN

Chairman Kesler moved to adjourn. The meeting adjourned at 7:40 pm

I hereby certify that the foregoing represents a true, accurate and complete record of the City of Holladay Board of Adjustment meeting held Tuesday, April 11, 2006

Stephanie N. Carlson, CMC
City Recorder

Minutes approved: 5-9-06