

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

Tuesday, August 8, 2006

6:00 p.m.

Council Chambers - 4707 S Holladay Blvd.

Holladay UT 84117

ATTENDANCE

Board of Adjustment Members:

Henry Kesler, Chair
Carrie Greenberg - excused
Wayne Janssen
Dominic Welch

Staff:

Paul Allred, Community Develop. Dir.

Absent:

Barbara Dunn

Chairman Kesler called the meeting to order at 6:12 pm and Board Member Janssen read the chair's statement.

1. NEW BUSINESS

1.1 Variance Request for Rebecca Wassam -4971 S Westmoor Dr

Background:

The applicant is requesting a reduction of the front yard setback from 30 ft to approximately 23.5 feet to accommodate a covered ramp from a proposed new carport on the south side of the property. The total length of the new, covered ramp will be about 45 ft. There is an existing ramp now from the garage to the front door and it is not covered, but in comply with federal regulations, it must be covered. The home is located in the R-1-10 zone. The applicant proposes an extension of the roofline into the front setback which is the catalyst for this request. The applicant is disabled and the request, if granted, would comply with the government's rules for covered access to the home. The government would also pay for the addition.

Recommendation:

Staff is generally supportive of the application due to the unique circumstances of the condition of the applicant. The ramp is existence and there are other homes in the area that have lesser setbacks.

Discussion:

Rebecca Wassam - applicant. There are a number of non-conforming homes on the street and the house across the street, the garage is only 18 ft. back. She is not doing anything that doesn't fit the area. Inside the garage there is a 17 inch door and the garage is too small to accommodate a ramp.

This request is so she can get in and out of her house during inclement weather and it will never be

enclosed. It gives her equal access to her home that others have. They will remove the existing overhang and replace it so it covers that ramp and walkway in front of the garage.

There being no further comment, Chairman Kesler closed public portion of meeting.

Mr. Allred stated the setback requirements in the R-1-10 are 30 ft . On a corner you need 30 and 20ft. Setback is measured 10ft behind the edge of the curb and gutter (5ft for park strip, 4ft for sidewalk and 1ft property line). If she did not extend the roofline over the ramp, the ramp would be into the setback but the home would not.

Board Member Pusey asked if the ramp was already in and the front yard is already non-conforming, can we not extend the non-conforming use and give a variance of 1 ft for the post.

Mr. Allred replied that is correct. An in-line addition is when you extend an wall as long as it does not further encroach what is already there. If the ramp at any point exceeds 18 inches in height from the natural grade, then that structure does already create an non-conforming use. Would an extension of the ramp, at the same height, be an in line whereas the cover over it is a different structure.

Chairman Kesler stated that there is something built there already that does encroach. The unique circumstance of the existing property is that the existing encroachment is already there and we also have a health and safety issue.

Board Member Janssen commented that wheelchairs do not go in the store. Cannot see in anyway that this hardship is self-imposed. The home is still 30ft back and adding covering will not detract from that and there is no negative impact.

6:46:10 Chairman Kesler moved to approve the requested 6.5ft front yard setback variance as detailed in the plans as it meets the five criteria. Literal enforcement of the zoning ordinance would cause a hardship; there are special circumstances namely the existing ramp that already encroaches and there is a need for safe access for the property owner. Also, with the condition that the structure never be enclosed and the living space not be extended out over the ramp. Board Member Pusey seconded the motion. The Board vote was as follows: Board Members Pusey, Janssen, Welch and Chairman Kesler in favor. The motion to approve was unanimous.

2. OTHER BUSINESS

2.1 Staff Report

Mr. Allred reported that there will be an open house for the Village Center tomorrow night from 4:30-6pm and the following evening will be a joint city council/planning commission meeting. Mr. Newren, whose request was heard last month, has found some room and will make the frontage work.

3. ADJOURN

Chairman Kesler moved to adjourn. The meeting adjourned at 7:05 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, August 8, 2006

Stephanie N. Carlson, CMC
City Recorder

Minutes approved: 9-12-06