

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

Tuesday, June 20, 2006

4:00 p.m.

Council Chambers - 4707 S Holladay Blvd.

Holladay UT 84117

ATTENDANCE

Board of Adjustment Members:

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

Staff:

Paul Allred, Community Develop. Dir.

Chairman Kesler called the meeting to order at 4:08 pm and Board Member Janssen read the chair's statement.

1. NEW BUSINESS

1.1 Variance Request for Brent Newren - 1538 E Lakewood

Background:

The applicant is requesting a side yard set back variance from 14 ft to approximately 9 ft 5 inches and a front yard variance of five feet (from 30-25ft). This home is located in the R-1-10 zone and requires 10 and 14 feet minimum or 24ft overall on the side yards and 30 ft in the front yard. This would be a 14% reduction overall. The applicant would like to remodel the home which would impact the front and side yard setbacks. The proposed addition to the home would encroach on the required minimum setback on the east side. The side setback on the opposite side of the home is 11ft 4 inches and therefore conforms to the ordinance. The creation of the enclosed garage would encroach upon the required front yard about 5 ft.

Recommendation:

Staff does not see how the variance meets the required five part test in the law. It does not appear that effective arguments have been made that the desired alterations to the home could not be accomplished in any other way so that a variance would not be needed.

Discussion:(4:21:40)

Brent Newren - applicant. He thanked the staff for working with him and for all their help. The unique hardship is the water flow from the Cottonwood Country Club and into the storm drain on Lakewood Dr where flooding has occurred in the past. The home was built in 1959 and there is no basement due to the

water table, which is about 5ft. All the utilities are in a crawl space making them difficult to service and run adequately. The zoning is more restrictive than when we were with the County. Another unique hardship is the design of the home. It was built with a narrow porch and the eaves are not adequate to cover the porch. The home is situated on the lot facing north and it gets large accumulations of moisture from the prevailing storms. It also creates a drainage problem towards the front of the home and the porch has sunk down. There have been a number of variances granted on his street in the past and it would be a hardship by denying his right as a property owner. The home has a flat roof and the addition would add a pitched roof, which is what others in the area have done. Holladay does recognize that a two-car garage is a right of homeowners in the area. This will not detract from the general plan and preserves the architectural design of the neighborhood. The eaves with the addition will come out to the 25ft setback.

Opened for public comment at 4:33

Rulon Jamesco is the homeowner to the east and the most impacted. He is in favor of the addition and feels it would be an improvement to the neighborhood.

Mike Fletcher - 1576 Lakewood Dr. Supports this application and feels it will help the neighborhood.

Leslie Chatelian - 5498 Edgewood Dr. She is in favor of the application and feels it will be aesthetically pleasing and a plus for the neighborhood.. Having a two-car garage is a property right. It helps deter crime and keeps cars off the street. Having the utilities in the crawl space is a serious concern.

Patricia Pignanelli - 4873 Yorktown Dr. Feel it is a great improvement and addresses the need of the area. This addition helps without going up and blocking views. It also helps keep people in the area and making it affordable for people to stay.

Chairman Kesler closed the public comment portion.

4:39:30 Chairman Kesler commented that this request is similar to the request heard last month.

Board Member Greenberg feels the water table is a unique hardship and a special circumstance with the utilities in the crawl space.

Board Member Janssen agrees that the water table and utilities underground is a special circumstance. The home is no longer the character of the neighborhood because the area is changing. Having a flat roof is not safe. The neighbors don't want him to go up and this is a way to expand and stay in the area.

Board Member Welch stated it would be an injustice not to grant this variance. Most of the homes on the street are non-conforming.

Board Member Greenberg said the hardship is not self-imposed and it is a safety issue with the utilities

underground and a flat roof.

Chairman Kesler addressed that having a two-car garage is a property right for homeowners and it is not a luxury.

Mr. Allred stated that the current garage is 27x24. Why not move it back five feet?

Chairman Kesler struggles with the need for a 5ft front yard variance. The new entry way and garage encroach into the front yard setback.

Board Member Greenberg feels the front could be done in a different way. She does not see the need or the hardship for the front yard variance. We do need to address what our minimum standards are for homes.

4:57:50 Board Member Greenberg moved to grant the side yard setback of 4f7" because it does meet the five criteria. Also moved to deny the front yard setback because there is no reasonable hardship. Chairman Kesler seconded the motion. The Board roll call vote was as follows: Board Members Greenberg, Welch and Chairman Kesler in favor with Board Member Janssen opposed. The motion passed by a 3-1 vote.

2. OTHER BUSINESS

2.1 Approval of Minutes of May 9, 2006

Board Member Welch moved to approve the minutes of May 9, 2006. Board Member Janssen seconded the motion. The Board voted in the affirmative and the motion carried.

3. ADJOURN

Chairman Kesler moved to adjourn. The meeting adjourned at 5:00 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, June 20, 2006

Stephanie N. Carlson, CMC
City Recorder

Minutes approved: 9-12-06