

Adopted Minutes
Spanish Fork City Development Review Committee
March 25, 2009

The meeting was called to order at 10:06 a.m. by Richard Heap.

Staff Members Present: Dave Anderson, Planning Director; Junior Baker, City Attorney; Shelley Hendrickson, Planning Secretary; Shawn Beecher, GIS Administrator; Kelly Peterson, Electric Superintendent; Dave Munson, Planning Intern; Shawn Jorgensen, Public Works Inspector; Chris Thompson, Public Works Assistant Director; Jered Johnson, City Surveyor; Ryan Baum, Public Works Inspector; Marvin Banks, Public Utilities Superintendent; Richard Heap, Public Works Director; Doug Shorts, Chief Building Inspector.

Citizens Present: Linda Anderson, Ray Taylor, John Taylor, Joe Taylor.

MINUTES

March 18, 2009

Mr. Baker **moved** to **approve** the minutes of March 18, 2009 with the noted corrections. Mr. Anderson **seconded** and the motion **passed** all in favor.

VARIANCE

Linda Anderson

Applicant: Linda Anderson

General Plan: Residential 5.5 to 8 units per acre

Zoning: R-1-6

Location: 297 North 300 West

Mr. Anderson explained the variance process to Ms. Anderson and that the next step in the process was a City Council meeting which was tentatively scheduled for April 7, 2009. Mr. Anderson explained that in his opinion a variance could not legally be issued because Ms. Anderson tore the structure down instead of it being destroyed by an act of God. He explained the size of a structure that Ms. Anderson could legally construct and meet the City's setback requirements.

Mr. Heap asked Mr. Baker for an explanation of the variance guidelines found in the Utah Code. Mr. Baker explained that there were two principles: the first principle was that in time your non-conforming uses should go away with everything eventually conforming. The second principle is when you look at someone tearing a structure down, instead of an act of God destroying the structure, the inability to legally reconstruct the structure is a self-imposed hardship.

Ms. Anderson said the reason the carport was torn down was because it was 43 years old. The roof was rotting and they felt that due to safety issues they couldn't let it remain. Ms. Anderson said never did she think that she would not be able to reconstruct what she was tearing down. The cement pad is still there, they just want to reconstruct what was above ground. Ms. Anderson explained both of her neighbors on either side have similar buildings that have not met or would not today meet the City's setback requirements. She said she cannot meet the code because they do not have the ground and asked why

she was limited to go to the north. Mr. Anderson said it was because of two requirements: the first being a five foot setback from rear and side property lines and the second requirement being that an accessory building needs to be six feet from the principal structure.

**John Little arrived at 10:17 a.m.*

Discussion was held regarding the lot size and the square footage allowed for an accessory building, what was used to hold up the roof on the Anderson carport, what dimensions Ms. Anderson could build a structure at and meet the setback requirements, at what point a structure is deemed being torn down and if Ms. Anderson was rebuilding or just remodeling the carport.

Mr. Anderson said that if Ms. Anderson would have applied for a building permit before tearing down the structure that the circumstances may have been different.

Discussion was held regarding at what percentage is a structure deemed torn down and whether or not the Committee had concerns about people having structures on property lines (if not then discussion should take place regarding changing the rules across the board and not to just accommodate one resident.)

Mr. Swenson explained he felt that there was sometimes more to a structure underground than what you could visually see above the ground.

Discussion was held regarding the 50 percent rule being 50 percent of the cost or structure of the building, whether or not the Andersons could construct a two car carport and meet the City ordinance, and the Andersons measuring the structure as 16 x 20 without the posts in the middle to see if the structure can meet setbacks and be re-built.

Mr. Peterson **moved to table** the proposal for one week in order for Ms. Anderson to re-measure. Mr. Banks **seconded** and the motion **passed** all in favor.

SITE PLAN

Muddy Boys

Applicant: Muddy Boys

General Plan: Commercial Office

Zoning: Professional Office

Location: 400 North Main Street

Discussion was held regarding the Utah Department of Transportation (UDOT) approval. John Taylor explained the approval from UDOT was pending and a condition could be placed regarding the approval so that they could utilize the interior finishes.

Mr. Johnson explained the City would need a recordable plat from the surveyor in order to record the needed easement. John Taylor explained that by law the surveyor had 90 days to get them the information.

Discussion was held regarding the easement being deeded to the City for the power switch gear, the Muddy Boys taking care of recording the easement, parking and the Muddy Boys liability if a vehicle were to get hit on the egress and ingress on Main Street, setbacks, fencing, and relocation of the water meter on 400 North.

Ray Taylor explained he felt the relocation of the water meter would be expensive and cumbersome and explained that he felt there were some covers that could be purchased that would be completely flush and not a trip hazard.

**Dave Oylar arrived at 10:50 a.m.*

Mr. Thompson explained that the sidewalk did not meet ADA requirements on 400 North and discussion was held regarding ways to have the sidewalk conform, relocation of the water meter, a permit for water and tying into the existing ditch curb along 400 North.

Mr. Anderson moved to approve the Muddy Boys Site Plan located at 400 North Main Street subject to the following conditions:

Conditions

1. That an easement dedication plat is provided to the City.
2. That the applicant provide the 7 by 7 easement for the power box.
3. That the applicant relocate the water meter within the parking lot and ensure that a suitable copper service to the main exists.
4. That the Power Department design a power system for the project
5. That the masonry dumpster enclosure meet City standards.
6. That the applicant receive UDOT approval for the work on 400 North.
7. That conditions one, two, and four need to be met before applicant can start work on site.
8. That conditions three and five need to be met before a tenant improvement permit is issued.

Mr. Baker **seconded** and the motion **passed** all in favor.

Discussion was held regarding galvanized service and load.

Mr. Baker **moved to adjourn**. Mr. Banks **seconded** and the motion **passed** all in favor at 11:14 a.m.

Adopted: April 1, 2009

Shelley Hendrickson, Planning Secretary