

**Adopted Minutes  
Spanish Fork City Development Review Committee  
October 20, 2010**

**Staff Members Present:** Chris Thompson, Assistant Public Works Director; Shelley Hendrickson, Planning Secretary; Shawn Beecher, GIS Specialist; Junior Baker, City Attorney; Dave Anderson, Community Development Director; Bart Morrill, Parks & Recreation Supervisor; Chris Swenson, Chief Building Official; John Little, Building Inspector; Jered Johnson, Surveyor; Dave Oyler, City Manager; Dee Rosenbaum, Police Chief; Trapper Burdick, Assistant City Engineer.

**Citizens Present:** Jose Ferreryros, Byron Wann.

**MINUTES**

**October 13, 2010**

Mr. Anderson **moved** to **approve** the minutes of October 13, 2010 with the noted correction. Mr. Thompson **seconded** and the motion **passed** all in favor.

**Ordinance Amendments**

**Title 15 Amendment – Setback Requirements**

Applicant: Jose Ferreyros  
General Plan: City Wide  
Zoning: City Wide  
Location: City Wide

Mr. Anderson explained to the applicant that this was not the first time that the City Council in Spanish Fork had discussed changes to the ordinance with regard to setbacks. He invited the applicant to explain the reason for his request.

Jose Ferreyros

Mr. Ferreyros explained that he had a basement entry that he would like to cover with an awning to keep snow off of the sidewalk. He said that his neighbors house was only setback about 7 feet from the property line.

Mr. Baker asked if anyone on the Committee knew the circumstance behind the neighboring home having a 7-foot setback. Mr. Swenson said he was not involved in the inspection process when the home was constructed and he did not know how it was approved. He said that he had researched what the setback was at the time the home was constructed and that the setback should have been greater than 7 feet. He further

explained what he felt the applicant was proposing. The applicant agreed with what Mr. Swenson explained.

Mr. Anderson said there were a couple of ways to accommodate the applicant's request. He read from the Code what was required relative to awnings on the side of homes. The options include reducing the awning setback or reduce the setback overall relative to setback requirements. Mr. Anderson explained that the setback had been 10 feet for a long time.

Mr. Baker explained what he felt was the objection from the Council in the past which was that people were living too close to each other. He said that where this was an awning, with three open sides, that he felt it was okay.

Discussion was held regarding setbacks and the reason we require setbacks.

Mr. Anderson explained that he felt there was something different between an open awning versus living space with regard to setbacks.

Mr. Swenson explained that a 5-foot setback was required by the Fire Code.

Discussion was held regarding whether or not to allow any portion of any structure within the 5 or 10-foot setback (awnings, eaves etc.). Mr. Swenson explained the difference in the Fire Code and the City Code regarding what was allowed to encroach into the setback.

Mr. Oyler explained there was an interest in allowing awnings into the setback but not the living quarters into the setback.

Mr. Baker **moved** to recommend to the City Council that they **approve** an amendment to 15.3.24.090 (F) of the Municipal Code concerning setback requirements. That they change the side yard setback for structures that are open on 3 sides, awnings, carports, or covered decks must maintain a minimum setback of 5 feet from the property line. Discussion was held regarding the language being clear so that everyone involved was interpreting it correctly. Mr. Anderson **seconded** the motion and it **passed** all in favor.

## **Title 15 Amendment – Accessory Buildings**

Applicant: Spanish Fork City and Byron Wann  
General Plan: City Wide  
Zoning: City Wide  
Location: City Wide

Mr. Anderson explained that an accessory building had been constructed right out to the property line. He read from the Municipal Code what staff was proposing that the City Council change to the Code. He said staff was proposing to reduce the setback from the main structure from 6 feet to 5 feet and that accessory structures be constructed to be architecturally compatible with the primary structure on the lot. He further explained that Mr. Wann's structure would meet the proposed changes except for the eave went beyond the property line. Mr. Anderson explained to the applicant that the eave of the building would not be able to go beyond the property line at all and may need to be modified.

Discussion was held regarding the existing driveway and our clear vision ordinance.

Mr. Anderson asked the applicant if he had any questions for the Committee regarding the proposed changes. Mr. Wann did not.

Mr. Baker said rather than reference a specific version of the building code into the ordinance that he was going to have the code read: meet the applicable building code at the time.

Discussion was held regarding changes to the proposed language to A. 1E, 1F, 15.104.020 Accessory Building definition.

Mr. Anderson **moved** to recommend to the City Council that they **approve** the proposed changes to section 15.3.24.090 A. Accessory Buildings with the changes that Mr. Baker touched on. Mr. Swenson **seconded** and the motion **passed** all in favor.

### **Title 15 Amendment – Fence and Clear Vision requirements**

Applicant: Spanish Fork City  
General Plan: City Wide  
Zoning: City Wide  
Location: City Wide

Mr. Anderson said 6 feet from the ground was what he felt was all that the trees would need to be trimmed in order to meet clear vision standards.

Mr. Rosenbaum asked, on a corner lot, where we were measuring the clear vision area from. Mr. Anderson said it was from the back of the curb.

Mr. Oyler said his concern was where the asphalt was set from, which was the curb. Mr. Rosenbaum said he did not feel that 30 feet was not enough in some instances. It was

decided to measure from the sidewalk and not the property line and increase the setback number from 30 feet to 45 feet.

Mr. Anderson explained different circumstances involving more than one driveway on a lot.

Discussion was held regarding second driveways and gating them.

Mr. Anderson **moved** to change the City's General Fencing Requirements number 5 under G to read a minimum of 3 feet of clearance around any utility, on the clear vision area change 3 to 5 feet and that we change how the setback on the corner is measured so instead of saying the triangle is formed by property lines the triangle is measured from the curbface and the triangle be 45 feet in each direction. Mr. Rosenbaum **seconded** and the motion **passed** all in favor.

## **OTHER BUSINESS**

No Discussion

## **ADJOURNMENT**

Mr. Baker **moved** to **adjourn**. Mr. Anderson **seconded** and the motion **passed** all in favor at 11:09 a.m.

**Adopted: October 27, 2010**

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Shelley Hendrickson, Planning Secretary